IMT Nuremberg Archives

H – 142

International Court of Justice

H0142 - 0002

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Re publics against Hermann Wilhelm Goering etal, Defendants, sitting at Nurnberg, Germany, on 28 May, 1946, 1000-1700. Lord Justice Lawrence presiding.

THE MARSHAL : The report is made that Defendant Goering is absent.

THE PRESIDENT: We were going to deal with Defendant Bormann's documents, were we not?

DR. BERGOLD: Mr. President, two,witnesses only have arrived so far. Three essential witnesses are still missing. Perhaps the Court can help to bring these witnesses quickly so that the case will not fall apart. They are the witnesses Stothfang and Hildebrandt. I have repeatedly tried to get them but they are not here yet. I have not spoken to the witnesses yet.

THE PRESIDENT: Have they been located?

DR. BERGOLD :Yes. One is in a camp Cassel, which is a few hours from here, and the other is in Neumenster. That is a little farther, perhaps six or seven hours from here.

THE PRESIDENT: That is not in accordance with the information which the Tribunal has. The Tribunal has the information that they can not be found.

DR. BERGOLD :I received the information that their whereabout has been ascertained.

THE PRESIDENT: Who did you receive that information from?

DR. BERGOLD :Officially, from the General Secretary.

THE PRESIDENT: Very well. We will make inquiry about it.

SIR DAVID FYFE: My Lord, First, with regard to the witnesses applied for for the Defendant Bormann. They are, as I understand it, Fraulein Krueger to whom we have no objection. The witness Mueller is no longer applied for?

DR. BERGOLD: No, I have dispensed with that witness.

SIR DAVID FYFE: Then, Klopper, and lastly, Friedrich. These are with

H0142 - 0003

regard to Bormann's law making activities, and the prosecution have no objections.

DR. BERGOLD: In place of the witness Mueller, whom I have withdrawn, I have an additional request for the witness Gerta Christian on the same subject for which I had requested the witness Mueller.

THE PRESIDENT: The first witness, Miss Krueger, is going to speak to exactly the same facts, isn't she, to the death of Bormann.

DR. BERGOLD: Yes. The last of the life of Bormann is not very clear. It is very necessary to hear all of the available witnesses on this subject because only from the total of the testimony can one get the certainty of impression which I endeavor to obtain, that the witness Bormann is already dead.

THE PRESIDENT: It doesn't seem to be a very relevant fact. It is very remotely relevant whether he is dead or whether he is dive. The question is whether he is guilty or innocent.

DR. BERGOLD: It is my point of view that sentence can not be passed against a dead man. That is not provided for in the charter. According to the charter, the court can only condemn an absent person, but a dead person can not be included under the term "absent". If the defendatn is dead, the charter does not give any possibility of continuing proceddings against him.

THE PRESIDENT: Sir David, have you any objection to that other witness?

SIR DAVID FYFE: No, My Lord, the prosecution do not make any objections.

THE PRESIDENT: Very well.

SIR DAVID FYFE: Now, My Lord, with regard to the documents, the first batch of documents are a series of treaties and diplomatic pronouncements and documents to counteract the statement of Sir Hartley Shawcross as to the position of the international law before the charter, the statement that the Axis nations had constituted aggressive war and international crime before this Tribunal was established and this charter became part of the law of the world. The position of the prosecution is that evidence on that point is really irrelevant because after all, the Tribunal is covered by the charter, and it

H0142 - 0004

seems unnecessary to translate and publish, by way of document books, all these matters which the learned Counsel has set out in his application. That is, shortly, the position of the prosecution with regard to that first batch of documents. Especially, I don't want to discuss the problem for the reason that I have given.

H0142 - 0005

THE PRESIDENT: Yes. What are the numbers of them?

SIR DAVID MAXWELL-FYFE: One to eleven -- no, 1 to 7. They are in the application.

THE PRESIDENT: Yes. Are they long documents?

DR. BERGOLD: I have not seen them yet. I applied for these documents three months ago, i norder to look them over, but I have not received them yet and unfortunately I cannot give the Court any information as to whether they are long or not and what parts of them I will need for my defense.

THE PRESIDENT: I looks like a long document.

SIR DAVID MAXWELL-FYFE: Yes, my Lord.

DR. BERGOLD: But I won't read everything that is in this document, if I have it. Presumably --

THE PRESIDENT: When you say you applied for them three months ago, you don't mean you applied to the Tribunal, do you?

DR. BERGOLD: I applied to the General Secretary, but perhaps it was put asi le when your Lordship decided that my case would be postponed to the end. Perhaps it was forgotten.

THE PRESIDENT: Was there any order on your application?

DR. BERGOLD: No.

THE PRESIDENT: You applied, I think, for an adjournment, didn't you, in order that the matter might be brought up later?

DR. BERGOLD: Yes. I am in an especially difficult situation, your Lordship. I have tried very hard but I can find nothing further on the defense of Bormann. All the witnesses are antogonistic to him and they want to place the guilt on him rather than contribute to his exoneration. That makes my case difficult. The man is probably dead and, of course, can give no information. A few days ago one of Bormann's co-workers, a Dr. Hummeln was arrested in Salzburg. I will go to see him and perhaps get new information - perhaps not.

THE PRESIDENT: We need not bother about that now, only the application with reference to the documents.

Sir David, have you anything further to say about the documents?

H0142 - 0006

SIR DAVID MAXWELL-FYFE: No, that is my short point. I don't want to discuss the merits of my points because that is the issue that I am saying is irrelevant.

THE PRESIDENT: What about No. 11?

SIR DAVID MAXWELL-FYFE: I am not disposed to object to any of the other documents, my Lord.

THE PRESIDENT: Are there any others --

SIR DAVID MAXWELL-FYFE: No. 11, I can see a possible argument on that and therefore I won't object to it. The other documents, certainly we have no objection to the ordinances of the Fuehrer's Deputy.

THE PRESIDENT: All under "B"

SIR DAVID MAXWELL-FYFE: Yes. The Prosecution make no objection to these.

THE PRESIDENT: Yes.

Now, what do you say to Sir David's objection to these documents, 1 to 7?

DR. BERGOLD: Well, your Lordship, I have already made my point of view clear in my application. In order to save the time of the Court, I will merely refer to this written application. I won't say any more at the moment on the subject, but if your Lordship wants me to explain it here now I am ready to do so.

THE PRESIDENT: The Tribunal will consider the matter.

SIR DAVID MAXWELL-FYFE: Did your Lordship wish to deal with the other outstanding applications or would you prefer to deal with that later on at the end of the case of von Schirach?

THE PRESIDENT: I don't think we have the papers here. We were only going to deal with the Bormann application.

(Mr. Dodd of the American Prosecution came to the lectern)

Mr. Dodd, we have a document here, D-880, said to be extracts from testimony of Admiral Raeder, taken at Nurnberg on the 10th of November, 1945, by Major Monigan. Have you offered that document in evidence or not?

MR. DODD: May I have a minute to check it? I am not certain.

THE PRESIDENT: Yes, and we will give you the document.

MR. DODD: I believe not; I don't believe it has been offered in evidence.

H0142-0007

THE PRESIDENT: Yes, and we will give you the document.

MR. DODD: I believe not; I don't believe it has been offered in evidence.

THE PRESIDENT: It seems to have been handed up yesterday or the day before --

MR. DODD: I think through a mistake.

THE PRESIDENT: -- or last week. Yes. But you will find out about that and let us know.

MR. DODD: Very well, sir. Would you like to have this copy back.

(Paper handed up to the Bench.)

H0142-0008

THE PRESIDENT: Dr. Sauter, you were still examining Gustav Hoepken, weren't you?

GUSTAV HOEPKEN, a witness called in behalf of the Defendant Raeder, resumed the stand and testified as follows:

DIRECT EXAMINATION (continued)

BY DR. SAUTER:

Q Mr. Hoepken, we stopped yesterday when discussing the question whethter the Defendant von Schiracht during his period in Vienna was opposed to the church or was tolerant in this connection. The last answer you gave me yesterday referred to the relationship of the Defendant von Schiracht to the Viennese Cardinal, Innitzer. Is it correct that at the suggestion and with the nowledge of the Defendant von Schiracht during his Vienna period you periodically had talks with a Catholic clergyman there, a dean, Professor Ens, for the purpose of discussing church questions with him and removing differences which might arise?

A Yes, that is true. The Dean, Professor Ens, was not -- as you assume -- Catholic,-but Protestant. He was Dean of the theoligical faculty of the Universit of Vienna. On the occasion of his visits he discussed many church and religious questions with me. I discussed them with him. He then asked me to report on them to Mr. von Schiracht and if it was possible to obtain relief. This was done as far as possible.

Q Do you know that the Defendant von Schiracht, for example, ordered that in the Party Christmas songs were to be sung but the old Christian Christmas hymns?

A Yes, I know that at Party Christmas celebrations of the Hitler Youth and Christmas celebrations for wounded soldiers the old Christian Christmas carols, such as, "Es Ist Ein Ros Entsprungen," "Silent Night, Holy Night" --

THE PRESIDENT: This is surely not a matter which is worthy to be given in evidence.

Q Witness, do you know that the Defendant von Schiracht in the official magazine of the Hitler Youth had a special edition published with regard to the humane treatment of the Eastern peoples, and when was that?

A I know that it was the quarterly, April-June of 1943.

H0142 - 0009

Q Do you know that in the same official magazine of the Hitler Youth at the request of the Defendant Bormann, a special edition was to appear but that von Schirach refused it?

A I know that it was requested by the Propaganda Ministry at that time and also by the party chancellory. von Schirach refused each time.

Q Witness, do you know that von Schirach once inspected a concentration cam

A Yes, I know that.

Q Which one?

A The concentration camp Mauthausen.

Q In regard to this point which has already been cleared up by the testimony of other witnesses, I am interested only in one question. When was this visit to Mauthausen?

A I cannot say exactly. I can say with certainty, however, that it was not after April, 1943.

Q Why can you say that?

A In April 1943 I was released from the hospital and began my service in Vienna. From that day on I knew until April, 1945, I knew every day where von Schirach was. In addition immediately after my arrival in Vienna in April, 1943, when I asked him, since because of my wound I was rather run down physically, and I was also a sport teacher, I asked him whether I might between seven and eight in the morning carry on a little sport.

THE PRESIDENT: We don't want to know about the witness' health, do we?

BY DR. SAUTER:

Q Witness, you heard what the President just said. I have already told you I am interested in when this visit to Mauthausen was. You see if I understand you correctly -

THE PRESIDENT: He said he couldn't say when it was and it was after April, 1943. He said he couldn't say when it was.

DR. SAUTER: Mr. President, I believe you misunderstood the witness. Witness, please pay attention. I understood the witness to say that it was before April, 1943. The visit must have been before April, 1943. It could not have been later.

THE PRESIDENT: He also said, according to the conversation I heard and took down that he couldn't say when the particular time was.

DR. SAUTER: Yes, but through the testimony of the witness I should like to

H0142 - 0010

settle the fact that it was not later than April, 1943.

THE PRESIDENT: But he said it. He said, "I can't say when it was, but it was not after April, 1943." He said: "On April, 1943, I was released from the hospital and began my service in Vienna. I knew every day where Schirach was." I have got all that written down.

DR. SAUTER: Very well.

BY DR. SAUTER:

Q Witness, in this conversation about his visit to Mauthausen did the Defendant, von Schirach, tell you anything, that at this visit he had heard of Atrocities, mistreatment, et cetera?

A No, he said nothing about that.

Q Now, I turn to the question of the deportation of Jews from Vienna. As far as I know you were an ear witness of a conversation between the Reich Fuehrer SS Himmler and the defendant, Schirach, will you tell us what was said in this conversation on the qestion of deportation of Jews?

A I believe it was in November, 1943, Himmler and Schiracht were in East Prussia. In the car Himmler asked von Schirach: "Tell me, von Schirach, how many Jews are still in Vienna?" von Schirach answered: "I cannot say exactly. I estimate forty to fifty thousand." And Himmler said: "I must evacuate the Jews quickly from Vienna". And Schirach said: "The Jews don't give any difficulty, especially since they are wearing the yellow star." And Himmler said: "The Fuehrer is already angry that Vienna in this point, as in many others, is an exception, and I am instructing my SS agencies to carry this matter out quickly." That is what I remember of this conversation.

H0142 - 0011

Q Do you know anything of the speech of the anti-semitic speech of tthe defendant, von Schirach, in September 1942, at a Congress in Vienna, which the Prosecution submitted to the Court.

A Yes, the context of the speech is known to us.

Q I want to know whether you know anything about it, especially whether Schirach said anything to you about why he made this anti-semitic speech?

A From the press officer Guenther Kaufman mentioned yesterday, I know directly after this speech von Schirach instructed Guenther Kaufman that the point from the speech should be telephoned to the D N B in Berlin, with the remark he had every reason to make a concession to Borhmann on this point.

Q Why a concession?

A I assume that Schirach knew that his position in Vienna was precarious, and that he constantly heard this, especially from the party chancellor that he should take a stricter course in Vienna.

Q You were Chief of the Central Bureau with Schirach in Vienna. In this capacity, did all of Schirach's mail go through you?

A Not all of his mail, but the great majority of it. Mail stamped "direct to personal" did not go through my hands.

Q Did the other mail?

A That went through my office.

Q Witness, we have here a number of documents which have been submitted to the Court. They are the activity and situation reports for the Chief of the Security Police made, I believe, monthly or weekly, and which have been submitted from Vienna. Since you know the situation in the Central Bureau in Vienna, I now give you various of these documents. Please look at the documents and then tell us whether from these documents which are photostatic copies, you can tell whether these reports of the SS to you, came to you, to the defendant, von Schirach, or whether they went to a different office. I call your especial attention to the manner in which these documents are annotated. Please note on the individual documents who signs the document and what was done with the document after that. And then please tell us who these officials are from the document code of the Reich Defense Commission, for instance, a Dr. Fisher, et cetera.

H0142 - 0012

DR. SAUTER: Those are the documents, Mr. President, about which the Court asked questions the other day.

THE PRESIDENT: I did not hear the questions exacrly. It appears to me to be a great number of questions. Well, let's get on, Dr. Sauter. We shall have to consider these documents and the witness ought to be able to give his answer.

H0142-0013

DR. SAUTER: Yes. Mr. President, of course, the witness has to look at the document first. He must note what officials initial the documents and what the officials did with them. That is what I am asking the witness, in order to ascertain --

THE PRESIDENT: I should have thought that he had seen these documents before.

DR. SAUTER: No; they were just handed over in cross examination. I could not discuss them previously with the witness.

THE PRESIDENT: They were certainly handed over before this morning.

DR. SAUTER: To the witness, no; to me, yes.

THE PRESIDENT: Well, get on, Dr. Sauter; get on.

BY DR. SAUTER:

Q Mr. Witness, what do you learn from these documents? Did they come to the attention of the defendant von Schirach, or how were they dealt with?

A These documents did not go through the central bureau. As I see here, they are signed by a Dr. Felber. I know him. He was the assistant to the Regierungspresident in Vienna for all matters which dealt with the Reich defense commissioner.

From the treatment given these documents, I must assume that the Berlin SD agency sent them directly to the office of the Regierungspresident, and from there they were put into the files, as I see here. I do not see any signature of von Schirach on here.

Q The Regierungspresident was a certain Dellbruegge; and this Dr. Felber whom you mentioned was an official of the Regierungspresident?

A Yes.

Q And if such a document as you have there, where did the post office or other agency deliver them? To you or to the Regierungspresident in his own office, or how was that?

A I take it that these must already have sent directly to the Regierungspresident, who had his own office for receiving mail.

Q What shows you that the defendant von Schirach had no knowledge of these documents?

H0142 - 0014

A Because he did not initial these documents. Otherwise, if documents were submitted to him, they were initialed; and these documents, as I see, were not initialed by him.

THE PRESIDENT: I do not think the prosecution suggested that they were initialed by von Schirach. It was quite clearly brought out in von Schirach's evidence that he had not initialed them, and that fact was not challenged by Mr. Dodd.

DR. SAUTER: Mr. President, I believe that a decisive weight should be placed on the fact whether defendant von Schirach had any knowledge of these documents.

THE PRESIDENT: Why do you keep asking whether they were initialed by him or not? That fact, as I have pointed out, has already been proved and not challenged.

BY DR. SAUTER:

Q Mr. Witness, I have here a collection of further documents under the number 3876-PS. They are further reports from the chief of the security police. There is another address on these. It says here, "To the Reich Defense Commissioner for the Defense District 17" -- that was Vienna -- "for the attention of Regierungsrat Dr. Fischer in Vienna."

I am interested in knowing who Dr. Fischer was. Was he in the central bureau, or who was he?

A I know no Dr. Fischer, either in the central bureau or in the Reich governor's office.

Q Then how do you explain the fact that in these reports it always says, "To the Reich Defense Commissioner for the Defense District 17, for the attention of Regierungsrat Dr. Fischer"?

A I assume that is a co-worker of Oberregierungsrat Dr. Sauper, who worked on these matters specifically. And since I see they were secret letters they were addressed to himpersonally.

Q Did the Regierungspresident Dr. Dellbruegge report to the defendant von Schirach on such matters as far as you know, or have one of his officials report it?

A The Regierungspresident, in affairs of the Reich governor and Reich defense commissioner, reported directly to Mr. von Schirach. I was not present

H0142 - 0015

at these conversations; consequently I cannot say to what extent he reported to von Schirach on these matters.

Q If the Regierungspresident or one of his officials reported to the defendant von Schirach on these reports, would that be shown on the document?

A Probably yes. Then the Regierungspresident or the official would have had to write on them, "Reported to the Reich Governor."

Q On the documents which I submitted to you, there is no such indication?

A On these three documents, no.

Q On the documents which are here, there is no such thing, either. Do you conclude from that that the defendant von Schirach received no report on them?

A I must conclude that von Schirach was not informed on these matters.

Q Mr. Witness, the defendant von Schirach was chief of the state administration in his capacity as Reich governor, as well as chief of the local administration as mayor, and finally chief of the party as Gauleiter. Now, we hear that in each of these capacities he had a permanent representative.

I should like to know who normally administered the affairs of the Reich defense commissioner and the Reich governor; that is, the state administration?

A I have already said that it was the Regierungspresident, Dr. Dellbruegge.

Q And then what did the defendant von Schirach do in the field of state administration?

A He was given regular reports by the Regierungspresident. Von Schirach made his decision, and these decisions were then carried by the officials, or deputies.

Q If I understand you correctly, the defendant von Schirach concerned himself only with such matters as were reported to him by the Regierungspresident, or which were brought to his attention in writing; is that true?

A Yes, that is true.

Q Mr. Witness, were you yourself a member of the SS?

H0142 -0016

A No, I was never a member of the SS.

Q Of the SA?

A No.

Q Do you know that these three permanent representatives whom the defendant von Schirach had in Vienna, the Regierungspresident, the Deputy Gauleiter, and the mayor, were all SS Fuehrers?

A Yes, I know that.

Q How does that happen? Did the defendant von Schirach select these men himself, or how do you explain the fact that all of his three representatives were SS Fuehrers?

A The Deputy Gauleiter, Scharizer, was an honorary SS Fuehrer. As far as I recall, he was Oberbefehlsleiter of the party. When von Schirach came to Vienna, Scharizer had already been occupied several years as Deputy Gauleiter.

I do not know when the Regierungspresident, Dr. Dellbruegge, came to Vienna; but I assume either before or else at the same time as von Schirach. Moreover, the Regierungspresidents were appointed by the Ministry of the Interior; so von Schirach could hardly have had any influence to refuse or select a particular Regierungspresident.

As for the mayor, the situation was similar. He was SS Brigadefuehrer Blaschke; he was also appointed by the Ministry of the Interior.

Q By the Ministry of the Interior?

A Yes.

Q When was that?

A I believe that was in 1944, in January or February of 1944.

Q Do you know that this SS Brigadefuehrer Blaschke, before the time of the defendant von Schirach, was employed in Vienna as a state counsellor, and I believe also as vice-mayor?

A He was state counsellor before; and I believe he was vice mayor, but before I came to Vienna.

H0142-0017

Q Do you know that the defendant von Schirach for a long time opposed the SS official being appointed mayor of Vienna?

A I estimate that he opposed this for a half year or three quarters of a year, and I believe later he did not let the Ministry of the Interior issue a final confirmation as mayor.

Q Witness, what was the relationship of the defendant von Schirach to the SS and to the SS officers? Was it especially friendly or cordial? What was it?

A As far as I know, Schirach associated with the SS Fuehrer as far as officially necessary and no more.

Q Was he friendly with SS men?

A No, I knew of no such friendships.

Q Did he not express to you his attitude toward the SS?

A I have already said that he always had the feeling that he was under a certain supervision, and for that reason he was rather distrustful.

Q Distrustful?

A Distrustful of the SS.

Q Witness, do you know how the defendant received his information on foreign press reports?

A He received them from the Reich Propaganda Office in Vienna. They were excerpts which the Propaganda Ministry, in collaboration with the Reich Press Chief, Dr. Dietrich, issued. As far as I know, however, they were selected and screened.

Q Did you live for a long time with von Schirach in Vienna?

A From 1944 on I lived in Schirach's house.

Q You took your meals with him?

A Yes, I took my meals with him.

Q Did not the defendant von Schirach obtain information from the foreign radio?

A No, I do not believe so. With me and a few other co-workers, after every meal he listened to the official German news services. Besides, if he had done so, according to my opinion, it would have become known very soon. He was of the opinion that he was being--

THE PRESIDENT: The witness can only tell us what he know. How could

H0142 - 0018

he know whether von Schirach ever listened to any foreign news? If he does not know, why do you not take him on to something else?

DR. SAUTER: The witness said, Mr. President, that in the latter Vienna period, since the spring of 1944 I believe he said, he lived in the house of the defendant Schirach.

THE PRESIDENT: He said that, and he said that he did not think he heard foreign news. What more can he give? What more evidence can he give on that subject?

DR. SAUTER: I wanted to hear that, Mr. President.

THE PRESIDENT: But he said it already. I have taken it down. Why do you not go on to something else?

BY DR. SAUTER:

Q Witness, do you know that in the last weeks of resistance, an order came to Vienna from Berlin, according to which all defeatists, whether men or women, were to be hanged? What attitude did Schirach take on this order?

A I know that the so-called court martials were to be set up with the purpose of speedily condemning people who objected to the management of the war or who showed themselves to be defeatists. This court martial was set up in Vienna or appointed, rather, but it did not meet once, and it did not pronounce any judgments.

Q Did the court martial or the defendant von Schirach carry on any proceedings at all?

A No, not to my knowledge.

THE PRESIDENT: That fact, again, was given in evidence by von Schirach and was not cross examined to -- that that court martial did not meet.

BY DR. SAUTER:

Q Witness, do you know anything about the fact that in the last weeks an order came for combat partisan formations in civilian

H0142 - 0019

clothes, and what was von Schirach's attitude to that?

A I do not know that partisan formations were to be set up, but that a "Freikorps Hitler" was to be set up. They were to be in civilian clothes. Schirach ordered that no people from the Reichsgau Vienna were to be assigned to this Freikorps.

Q Why not?

A Because at that time he considered resistance senseless. Secondly, because he considered it contrary to international law.

Q My last question: You were with Schirach to the last, until he left Vienna?

A Yes.

Q Did Schirach give an order to destroy bridges or churches, residential quarters, and so forth?

A No, I do not know of that. Orders to blow up bridges or for any defense measures were given only by the military authorities, as far as I knew.

Q But not by Schirach?

A No.

DR. SAUTER: Mr. President, I have no more questions to put to this witness.

THE PRESIDENT: Does any other Defendant's Counsel want to ask questions?

(no response)

THE PRESIDENT: The Prosecution?

CROSS EXAMINATION

BY MR. DODD:

Q Mr. Witness, would you see all of the files of Von Schirach's office during the time that you were his adjutant?

A I have already told you, or I told the defense lawyer, that most of the mail went through the Central Bureau.

Q I want to show you a document that is in evidence here and ask you if you can tell us whether or not you have seen this before. Have you ever seen that documentbefore?

H0142 - 0020

A I do not know this document officially, since, as I see, it is dated 28 May 1942, at which time I was an officer in the Luftwaffe.

Q Well, then, you didn't mean the Tribunal to understand that you were familiar with everything that was in von Schirach's files, because certainly this document was there during the years that you were his adjutant, but you never saw it. It is marked Central Bureau, and you had charge of these very files, yet you never saw this teletype to Bormann, so you certainly didn't know everything that was in his files, did you?

A I said that the majority of the mail went through my office, but, of course, since I was not in Vienna at this time but only went to Vienna in April, 1943, I did not look up all the documents and letters in the file of the Reich Governor. That would have taken years.

THE PRESIDENT: A translation just came through to me that you went to Vienna in April 1942. Is that right?

THE INTERPRETER: April, 1943.

BY MR. DODD:

Q Let me ask you something else. You were there in the last days, I assume, when the city was taken by the Allied Forces, were you?

A Until April 1945 I was in Vienna.

Q What was done with Schirach's files when the end was very obviously coming? What did you do with all those files over which you had control?

A I was not in charge of any files. I was chief of the bureau.

Q Well, you know what I mean -- chief of the bureau or of the office where these files were kept. What did you do with the files?

A I gave no orders in this connection.

Q Do you know what became of the files?

A No, I do not.

Q You certainly know they were taken out of the office sometime before the city was captured; don't you know that?

A No, I don't know that.

Q Were the files there the last day that you were there?

A Probably, yes.

H0142-0021

Q I don't want a "probably". I want to know if you know and if you do, to tell us. Were they there or not the last day that you were in the office?

A I gave no orders to destroy them or to remove them.

Q I didn't ask you if you gave orders. I asked you if you know what became of them and whether or not they were in the office the last day you were there?

A I do not know what happened to them. Whether they were still there on the last day I cannot say.

Q Don't you know that they were all moved to a salt mine in Austria?

A No, I don't know that.

Q You have never heard that, or that they were taken out of that office and were later found by the Allied Forces in a salt mine?

A No, I don't know that.

Q I don't mean that you heard they were found there, but you certainly knew that they were taken out of the office?

A No, I don't know. I gave no orders.

Q Well, now, let me put this proposition to you, and perhaps you can give an explanation to the Tribunal. This document that I have just shown to you and these reports that you examined for Dr.Sauter were all found in Schirach's files in a salt mine. Would you have any explanation for that?

A No, I cannot explain that.

Q They were found together. Would that mean anything to you, or would you have any explanation for it?

A No, I can texplain that only that proabably the chief of the Reich Governor's office or one of his official who was in charge of these things gave the order to that effect, without my knowledge, without any order from me.

Q Tell the Tribunal exactly what day you closed up your office in Vienna or the last day that you were in this office.

A That was on the third or fourth of April, probably.

Q When was the city taken?

A The city, as I read in the papers later, was taken on 13 April.

H0142-0022

It finally fell into the hands of the Allies on 13 April.

Q Did you all leave your office on the third or fourth of April? Did von Shirach leave as well, and did all the clerical force and so on?

A Schirach and I and his adjutant left the office on this day, or Schirach had previously set up his office at his home and was working there.

Q Had he taken any files there from his office to his home?

A Only what he needed immediately to carry on his business; that is, the matters which were being worked on at themoment.

Q Did you leave some one in charge of the files when you left there, you and von Schirach on the third or fourth of April, and if you did, who was it that you left in charge?

A I did not leave any one in charge. The officials did that on their own accord.

Q I am trying to understand--and I think it would be helpful to the Tribunal--whether or not you just walked out of the office and left everything there, or whether you and von Schirach left and left other people there, or whether the place was in such a chaos that nobody remained. I haven't any accurate picture of it, and I think it is of some importance. You ought to be able to tell us. You left there with him. The city was practically ready to be taken in another ten days. It was under siege. What were you doing about your files and all of your other papers in your office when you walked out of there? You certainly just didn't walk out and not give some directions.

A I believe that the character of the Central Bureau is not clear. The Central Bureau, of which I was in charge for the last few months, had no powers, no executive powers, but all of these things were done by the competent Reich Government officials.

Q I don't need any explanation of how your office was set up. I want to know if the papers were left there or not, or if anybody was left with them.

A The papers, as far as I know, stayed there, and the competent officials were charged to take care of them.

Q Were any papers destoyed before you walked out that day, the third or fourth of April, anything at all?

A I did not order anything destroyed.

H0142-0023

Q Did anybody order anything destroyed, whether you did or not?

A Whether such an order was given or who gave it, I do not know.

MR. DODD: I have no further questions.

THE PRESIDENT: What is the document you put to him?

MR. DODD: No. USA 865. It is Document 3877-PS, a teletype to Bormann from von Schirach on the 28th day of May 1942.

THE PRESIDENT: US A what?

MR. DODD USA 865.

I have no further questions.

THE PRESIDENT: Do you want to reexamine the witness, Dr. Sauter?

REDIRECT EXAMINATION

BY DR. SAUTER: (Counsel for the defendant von Schirach):

Q Witness, I should like to go backto what the Prosecution asked you. The documents of the Reich Governor's office apparently are supposed to have been found in a salt mine. Were you in charge of the documents of the Reich Governor's office at all?

A No, I had no supervision over these documents. I just explained that. For that reason, I could not give any order to remove them. I know only that valuable pictures and so on were removed, but much earlier.

Q And the other employees of the Central Bureau, were they Viennese? Did they stay in the office, or what do you know about that?

A Most of them were Viennese, of course, and probably remained behind. I shook hands and said goodbye to them, and then we weparated. I asked whether I could do anything for them, and then I left Vienna.

DR. SAUTER: I have no more questions, Mr. President;

THE PRESIDENT: The witness can retire.

Perhaps we had better adjourn now.

(A recess was taken.)

H0142-0024

THE PRESIDENT: With reference to the application on behalf of the Defendant Bormann, the Tribunal allows witness number one, Miss Elsa Krueger.

The Tribunal allows witnesses numbers three and four, Dr. Klopper and Helmudt Friedrich.

The Tribunal also allows the witness, whose name I have got--inserted instead of number two--Christians, I think it was.

With reference to the documents applied for, numbers one to seven, the application is refused. However, the Tribunal will consider any application for documents which the defendants counsel, who may be appointed to argue the general questions of law on behalf of all the defendants, may wish to have translated.

Document number 11 may be translated.

Counsel for the defendant Bormann may see the documents which are mentioned under Roman numeral three in the application, and counsel for the defendant Bormann may also use the documents contained under heading "B".

The final decision upon the admissibility of all these documents is, of course a matter which will be decided at the time the documents are presented.

There is one other thing that I want to announce, and it is in answer to the application of Dr. Servatius, on behalf of the Defendant Sauckel.

I am told that the witness Timm is in Nurnberg prison. The witness Biedemann is also in Nurnberg prison. The witness Hildebrandt will probably arrive Nurnberg today. His whereabouts had been lost and he has only just been rediscovered. The witness Jaeger is in the British Zone, and the British Secretary is trying, through the military authorities, to obtain his attendance. The witness Stothfang has not been located. There appears to be a mistake in the identity of the person who was reported to the General Secretary previously. The witness Litschke has never been located, although every effort is now being made to locate him.

That is all.

DR. SAUTER: I should now like to call a further witness, Fritz Wiesshofer.

Mr. President, I shall only have a very short examination to carry out with this witness, because most points have been clarified by means of the other witnesses already.

FRITZ WIESSHOFER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

H0142-0025

A Fritz Wieshofer.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SAUTER:

Q Mr. Wieshofer, how old are you?

A Thirty-one years old.

Q Married?

A Yes.

Q Children?

A One son.

Q Were you a member of the Party?

A I was a Party aspirant since 1938.

Q Only an aspirant?

A Yes.

Q Were you a member of the SS or the SA?

A I was in the Waffen SS.

Q Since when.

A Since June of 1940.

Q You are Austrian, are you not?

A Will you please repeat that; I didn't understand you.

Q You were born in Austria, were you not?

A I am not Austrian.

Q When did you join the Reich Youth Leader's Office?

A I joined Herr von Schirach on the 3rd of October 1940.

Q And what did you do before that?

A Before that, temporarily, I was working in the Foreign Office.

Q How long?

A Only from May until October, 1940.

Q And before that?

A Before that I was employed by the Gauleiter's Office in Caernten, Carinthia

H0142-0026

Q Did you have anything to do with the HJ before?

A No.

Q So that in October of 1940, then, you joined von Schirach and you went to Vienna, did you not?

A Yes, to Vienna.

H0142 - 0027

Q In what capacity did you go to Vienna?

A I went there as von Schirach's adjutant.

Q And what were your duties mostly?

A As adjutant I was responsible for reports, dates of conferences, seeing to it that files were presented on time at conferences, preparations for journeys and carrying out journeys, and all that sort of thing.

Q Did you only work for Schirach in his capacity as Reich Town Governor or for the Gauleiter, or did you act for him as Mayor?

A Well --

Q Please wait, after I have put a question to you, so that the interpreters can catch up.

A I was adjutant for him in all his capacities and all his positions.

Q Did you also know or see the secret files?

A Yes.

Q Witness, I shall only have a very few brief questions to put to you. First of all, I am interested in this, Who was responsible for the sending of Jews out of Vienna?

A The transport of Jews from Vienna, as far as I know, was handled by the RSHA. The representative in Vienna was a certain Dr. Brunner, an Obersturmfuehrer in the SS.

Q Did you have anything to do officially with this Dr. Brunner in the matter of the transport of Jews, and on what occasions?

A It happened that Jews who were affected by this type of transport would make written applications to von Schirach to be left out of the transport. In such cased Schirach, through the Chief of his Central Department, would have representations made to Dr. Brunner's office so as to fulfill the request of the applicant. I would say that generally this was done by the Chief of the Central Department. I remember two cases where I myself received instructions to visit Dr. Brunner -- not to write to him, not to telephone him, but to go and see him personally.

Q And what did SS Obersturmfuehrer Dr. Brunner tell you about the actual plans which had been made for the Jews when they were taken away from Vienna?

A Dr. Brunner only told me, on the occasion of one of these two interventions, that the action of resettling Jews would be a resettlement from the

H0142 - 0028

district of Vienna into the zone of the former Government General. He also tol me in what way this was being carried out. For instance he said that for women and small children there were principally second-class carriages; that suffici rations for the journey and milk for small children would be provided. He also told me that these resettled persons upon arrival at their destination and pro vided that they could work, would immediately be put to work. He said that, first of all, they would be put into assembly camps, but that as soon as accommodations were available they would be given living accommodations of their own, and all such matters. He also told me that because of the numerous interventions caused by Schirach, his work had been made very difficult.

Q I will put my next question this way.

Did you ever see an order in which Gauleiters were being forbidden in any way from acting on behalf of Jews, and did you discuss that order with von Schirach?

A I recollect an order which appeared either at the end of 1940 or at the beginning of 1941, which we received in writting. It stated that "because of reasons which exist, we once more point out", and so forth. That seemed to indicate that it was a repetition of an order which had already been given. Th content of the order was that because of some episode or incident, Gauleiters were prohibited from acting on behalf of the Jews in the future.

Q Did you talk about that with Schirach?

A I did; I talked to him about it.

Q What did he say?

A As far as I can recollect, von Schirach initialed the order and had it put into the files. He didn't actually say anything about it.

Q I have another question, witness. The defendant von Schirach once wen to the concentration camp at Mauthausen. Can you tell us when that was?

A I cannot tell you exactly. All I can say on that subject is that when I came back from the front -- and this was either in the autumn of 1942 or in June of 1943-- the adjutant who was on duty at the time told me that he had accompanied Herr von Schirach to a concentration camp, which was Mauthausen. Some time afterwards -- which means that it must have been when I came back from the front for the second time, at the end of 1943 -- Herr von Schirach told me that

H0142 - 0029

that he had been to Mauthausen. I only recollect that he said that he had heard a symphony concert there.

Q Well, we are not interested in that, we have heard it. I am only interested in one thing: Did he later on, visit Mauthausen or another concentration camp again? Can you give us reliable information on that?

H0142 - 0030

A. I can give you reliable information on that. That is quite out of the question because from November, '43, until the collapse I was continuously on duty and I knew, therefore, where von Schirach would be.

Q. Did he go to Mauthausen again in 1944?

A. No.

Q. Are you sure?

A. Out of the question.

Q. Witness, you remember that towards the end of the war there were orders coming from some source of other stating that enemy aviators who had been forced to land were no longer to be protected. Do you know of that?

A. Yes.

Q. Do you know that there were such orders?

A. Yes.

Q. What was the attitude of Defendant von Shirach regarding such orders and how do you know about it?

A. I have talked about these orders with Herr von Shirach. The idear contained therein were always turned down by con Shirach and he always said that such aviators, too, were to be treated as prisoners of war. Once he said: "If we don't do that, then there is the danger that our enemies too will treat their prisoners, that is Germans, in the same manner."

Q. Have you experienced cases yourself where Defendant von Shirach was actually taking care of enemy flyers in that way?

A. Yes.

Q. Will you please tell us about it?

A. During one of the last air attacks on Vienna, in March, 1945, an American aircraft was shot down and crashed near the headquarters of the Gauleiter's office. That Command Post was on a wooded hill in Vienna which was used by part of the population to go to during air attacks. Von Shirach was watching from some ireon structure which was 96 feet high, on which he would always stand during air attacks, and he observed that a member of the American crew got out of the aircraft. He immediately ordered the Commander in charge of this Command Post to go to the place of the crash by car so as

H0142 - 0031

to protect the American soldier against the crowd and bring him to safety. The American soldier was brought to the Command Post and after the air attack he was handed over to the Air Force Command.

Q. When did you leave Vienna?

A. I left Vienna, together with von Shirach, on the 13th of April, 1945.

Q. And you were together with Defendant von Shirach?

A. Yes, together with Herr von Shirach.

Q. Now this is my last question I have to put to you. Have you ever heard from Shirach's lips anything which would indicate that Vienna would have to be held to the last man under any circumstances or that destruction should be carried out in the town of Vienna?

A. I have heard him say neither one nor the other at any time.

DR. SAUTER: Mr. President, I have no further questions to this witness.

DR. SERVATIUS: Counsel Servatius for Sauckel.

BY DR. SERVATIUS:

Q. Witness, do you know the Prater in Vienna?

A. Yes, of course; I an Viennese.

Q. What sort of an institution is that?

A. The Prater is, or at least was, a place of pleasure.

Q. Was it closed during the war?

A. The Prater was not closed during the war.

Q. What sort of people used to go there?

A. During the war you mean?

Q. Yes.

A. Workers, employees, civil servants generally; all Viennese. All people who were in Vienna.

Q. Did you see foriegn workers there?

A. Yes.

Q. A great many or just a few?

A. The situation in Vienna was that one used to say that if you want to go to the Prater then you have to be able to speak French and Russian, because with Viennese alone you can't get along. The Prater was overcrowded with foreign civil workers.

H0142-0032

Q. How were these foreigners dressed, badly or well?

A., There foreigners were well dressed, so that you couldn't distinguish them from the population. Only when they talked could you recognize that th were foreigners.

Q. How did they look generally? Were they well fed, did they look starved?

A. As far as I myself have observed, the workers looked perfectly well fed.

Q. Did they seem to have money?

A. They had lots of money. It was known that the black market in Vienn was almost entirely dominated by foreign workers.

Q. Was that only the case in the Prater or was it the same in the whole town, that you could see these foreigners like that?

A. It wasn't only the situation in the Prater. It was generally the case in the town. In cafes, of which there are many in Vienna, in hotels, restaurants.

DR.SERVATIUS: I have no further questions.

CROSS EXAMINATION

BY MR. DODD:

Q. Who, besides the Defendant von Shirach, do you know of these defenda And by "know" I mean know person ally or have some acquaintanceship with the or had something to do with the?

A. Personally, I only know Herr Funk.

Q. Do you know Sauckel?

A. Yes.

Q. Well, who else?

A. I know Mr. Seyss-Inquart, but I didn't have any personal dealings with him. I was adjutant of von Shirach.

Q. How do you know Funk?

A. I was invited by Mr. Funk a few times. Officially, as adjutant of Herr von Shirach, I had some dealings with him and beyond that, he invite

H0142 - 0033

me a few times.

Q. Were you in the SS at that time, when you were invited by Funk?

A. During that time I was in the Waffen SS.

Q. By the way, when did you first join the SS?

A. I joined the Waffen SS on the 26th of June, 1940.

Q. Were you in any other branch of the SS besides the Waffen SS?

A. I was in the Allgemeine at the General SS.

Q. When did you koin the Allegeine or General SS?

A. In June, 1939, June or July, 1939.

Q. So you were actually in the SS from as far back as 1939?

A. In the General SS, yes.

Q. Now you also became an SS Obersturmfuehrer at one time, did you not?

A. I became Obersturmfuehrer about the 21st of June, 1944.

Q. When did you join the SA?

A. I joined the SA on the 9th of May, 1932.

Q. Did you know the Camp Strasshoff, S-t-r-a-s-s-h-o-f-f-?

A. This is the first time I am hearing that name.

Q. Well, that may have been mispronounced. It was a camp located outsi of Vienna.

A. I can't think what that camp might be. I understood Strasshoff?

Q. Yes, something like that. You never heard of that camp?

A. Never.

Q. And you were in Vienna from what? -- 19 --

A. I was born in Vienna.

Q. Well, I know you were, but I am talking about your service with the Defendant Shirach. You were there with him for how long?

A. From the beginning of October, 1940.

Q. And you never heard of Strasshoff?

A. No.

Q. Did you have much to do with the files of this Defendant, von Shira

A. Yes.

Q. What would you say you had to do with them? What was your responsi- bility?

H0142 - 0034

A. I merely had to see to it that files were prepared in good time when they were used during conferences and that after they had been used they wer returned to the central department.

Q. Where would you go to get a file for von Shirach that had to do with the Reich's Defense Commission for that district or that defense district? Where would you go to get a file that had to do with matters concerning the Reich's Defense Commission? Let me make it clear to you. Say that von Shi tell you he wants a file about a certain matter that has to do with the Reic Defense Commission, that you would have to have it on his desk by a certain hour and see that it was ther, as you say. Tell the Tribunal just what you would do, where you would go, who you would talk to, and how you would get that for him?

A. That would be simple for me. I would address the Chief of the Centr Department and I should know that he would probably have to go to the Goverr ment President to obtain that file. That is what I assume. I myself would have gone as far as the Central Department.

Q. You had a central filing place, didn't you, for all of your files, whether they were under the Reich's Defense Commission or the Gauleiter or t civil government of Vienna, isn't that so? They were all kept in one place?

A. They were not all together in one place; only some files were in the Central Department. I can't tell you which part because I have never had anything to do with that.

Q. You left Vienna on the 13th of April, you say, with von Shirach?

A. Yes.

Q. I suppose, as his adjutant, for some days previously there was considerable preparation for leaving, was there?

A. Yes.

Q. What did you pack up; what did yo take with you?

A. We didn't take anything with us from Vienna. Von Shirach was going car and there were two or three other cars used by the gentlemen of his entourage. Nothing else was taken along from Vienna.

H0142 - 0035

Q. Well, what did you do in the office; how did you leave that?

A. I think it was since the spring or the early summer of '44 that we were no longer in that office because the building of the town governor had had a direct hit and von Shirach could no longer work there. He was working in his flat.

H0142-0036

Q In his what?

A Apartment.

Q In his apartment. And did he have all of his files in his apartment or somewhere near at hand?

A He had no files whatever in his apartment. They remained in the office, in that part of the Reichstag government building which was still being used and in which one could still work.

Q Were any files taken out of that filing part of your Reichstag government when you left Vienna, or before you left Vienna?

A I do not know that. I know that an order existed both for the state administration as well as the party that files be destroyed when the enemy approached. Whether that was actually done or what in fact would happen with the files I don't know

Q Who got that order?

A Please, would you be good enough to repeat your question?

Q I want to know to whom that order was directed, if you know, the order to destroy the files.

A The order as far as the party channels were concerned went to the deputy gauleiter and as far as the state administration is concerned to the government president.

Q Did you also receive an order to start moving your files to places of security some time in the spring or late winter of 1945?

A I have no recollection of such an order.

Q Do you know that some 250 folders of your files were removed to a salt mine outside of Vienna? Do you know anything about that?

A No. I hear that for the first time.

Q You know there is such a mine near Vienna, you have lived there quite a while, I gather.

A No. It isn't -- if I may be permitted to put this matter right, it is near Salzburg, and we were never living there. I know that this mine exists.

Q How far is it from Vienna?

A Approximately 350 kilometers.

Q You don't know anything about any files being taken there. You are sure about that, are you?

H0142 - 0037

A I am absolutely certain that I don't know anything of that.

Q I have just one other question to ask. I suppose you knew the defendant pretty well. He is a littler older than you but you had worked for him for some time. Isn't that so?

A Yes.

Q Why didn't you join the Army instead of the SS when you wanted to do something for your country?

A When I became a soldier I was -- the Waffen SS was considered the elite unit and I would rather serve in such an elite unit than the general armed forces.

Q Was it the fact that you had been in the general SS since 1939?

A No. That had nothing to do with it. Numerous members of the general SS went to the Army.

Q Did you talk this matter over with your superior, von Schirach, before you joined the army in 1939 and the Waffen SS later on?

A No. And perhaps I may remind you that I did not join von Schirach until October '40, whereas, I joined the Waffen SS on the 26th of June, 1940.

Q Yes, but you are a young man and I suppose you were in touch with the youth organization when you joined the SS. Isn't that a fact? Weren't you a part of the youth organization in '39?

A No. I was not taken over by the youth leaders offices until April 1944 when I became "bannfuehrer". Before that I had no contact.

Q Well, I don't think you understand me. It isn't too important, but how old were you in 1939? You were 24, approximately, weren't you?

A Yes.

Q And weren't you then in some way affiliated with the Hitler Youth or the youth organization in Germany, either as a member or having something to do with it?

A No. Neither as a member nor in any other way. Of course I knew youth leaders, yes.

Q You were quite a speech-maker for the Party, weren't you, during your lifetime?

A In Corinthia, during the years of April '38 until May 1940, I spoke before several meetings.

H0142-0038

Q About how many would you say you spoke before in that period of two years?

A During that time I spoke in about 80 meetings.

Q And an average of about what, 2,000 or 3,000 persons per meeting?

A I also spoke in very small villages. I would say that the average figure would be about 200.

MR. DODD: That is all I have.

THE PRESIDENT: Do you want to re-examine?

DR. THOMA: Counsel for Rosenberg.

REDIRECT EXAMINATION

BY DR. THOMA:

Q What were the subjects you talked about in these meetings?

A We were given our subject by the Reich propaganda ministry. They were always such that every speaker would have the possibility to speak about general matters. For instance, the subject might have been "With the Fuehrer to Final Victory" or "Why Welfare for the Nation" or "Why Winter Work."

H0142 - 0039

Such subjects were the ones we got.

Q Did you spread Rosenberg's Mythology of the 20th Century?

A No.

Q Did you speak about such subjects?

A No. Because of my education I wouldn't be in position to do so.

Q Have you ever read this Mythology?

A I haven't read it.

Q Did you speak before youngsters during these meetings; did you speak before youngsters?

A Before youth in particular, no, I didn't speak.

DR. THOMA: Thank you.

DR. SAUTER: Mr. President, I do not wish to put any more questions to the witness.

BY MR. BIDDLE:

Q Witness, did Schirach have any authority to intervene in case of Jews being deported from Vienna?

A He had no authority to do so but he did it.

Q How many times did he intervene?

A I recollect no case where we received an application where von Schirach did not intervene.

Q I asked how many times he intervened.

A I am afraid I cannot give you any figures without being inaccurate. It is very difficult.

Q Did he intervene many times, or few?

A No. Often.

Q Did you see the order to the police not to protect aviators? You said it was in writing, didn't you?

A Yes.

Q Who signed it?

A The order was signed by Bormann.

Q And was it distributed to the police in Vienna?

A If I have understood you rightly, then this was the order, that gauleiters might not act on behalf of Jews.

Q This was the order about not protecting aviators who had crashed. You said you saw that order, didn't you?

A I did see the order, yes. I do not remember however, who it came from and to whom it was addressed. As far as our office was concerned it was merely sent to us for our information. As far as we were concerned we hadn't any steps we should have to take.

Q Don't you know whether or not the police had a copy of it.

A Please, will you be good enough to repeat the question?

Q Do you know whether or not the police in Vienna had copies of the order?

A That I don't know.

Q Did you ever know Himmler??

A I have seen him.

Q Did he give you any instructions?

A No.

Q Did you get any instructions from the SS?

A In which way do you mean?

Q Any instructions from the SS directly when you were in von Schirach's office?

A No.

Q Not at all?

A None at all. I cannot recollect any.

Q I think you said once that Schirach sent a command to save American aviators from the crowd, did you not? Don't you understand?

A Yes, yes, I understand and I did say that, that's right.

Q And what other efforts did von Schirach make to protect aviators from the crowd? Did he make any other efforts?

A Yes.

Q Did he issue any orders to the police or take it up with the police?

A It was the opinion of von Schirach which was known in the circle.

H0142-0040

H0142-0041

Q I didn't ask you the opinion. Did he issue any orders to the police or talk to the police?

A Of that I have no recollection.

Q Well, you would know if he had, would you not?

A If I had been present when he gave the orders then I should know it, but it is quite possible that he talked when I wasn't there.

Q Did you say you had access to the secret files?

A Yes.

Q What was kept in the secret files?

A I didn't understand that question, I am afraid.

Q I asked you what was put in the secret files, what sort of papers?

A There were secret files which came from the Supreme Party Headquarters, secret files which came from the Minister of the Interior; in other words, things were in them which made one wonder why they were called secret. But as far as details of these files are concerned, I cannot, of course, today remember them.

Q And I suppose any documents, reports, that were marked secret would be put in these secret files, would they not?

A Reports of our to superior departments or do you mean coming from the top down to us?

Q Reports coming in to you.

A They in that case would have been filed in the secret registries department.

Q And SS secret reports would go in the secret files, would they not?

A SS secret reports didn't come to us, because we weren't a service department of the SS.

(There were no further questions from Mr. Biddle).

THE PRESIDENT: If you have no questions yourself, Dr. Sauter, then witness may retire.

DR. SAUTER: Very well.

(The witness, Fritz Wieshofer, left the witness-stand).

H0142 - 0042

Now, Mr. President, in Schirach's document book there are a few documents which up to now have not expressly been presented, but I believe that this isn't necessary, that I should read these documents to you; and with reference to the question of saving time, if I may, I should like to refer to the documents and ask you to take judicial notice of them.

So, for instance, the affidavit of Mrs. Hoepken which has No. 3 in the document book, and which has already been read somewhere else.

There is only one document, Mr. President, as to which I want to give one very brief explanation. In the document book, under No. 118A, there is Colin Ross's farewell letter. It is 118A in Schirach's document book. With reference to this Dr. Colin Ross, when the documents were printed the Prosecutor had said that the body of Dr. Ross had not been discovered. At the first moment that surprised me somwchat and I made inquiries as to what actually had been done with these bodies -- that of Dr. Ross and his wife; and I discovered that in fact on the 30th of April, 1945, the day before the arrival of American troops, Dr. Colin Ross's body and that of his wife were found in the house of Defendant von Schirach, at Urfeld, on Lake Walchen. They had both first of all taken poison and then, to be quite sure, Dr. Ross shot his wife and then himself. German soldiers who were at Urfeld on Lake Walchen at the time then buried the bodies immediately next to the house of the Defendant von Schirach.

In the autumn the American Governor ordered that the bodies were to be transferred to the cemetery, but eventually he rescinded that order and permitted the bodies to remain where they had originally been buried.

THE PRESIDENT: Dr. Sauter, can you indicate in what way you will submit this document has any relevance at all? We have read the document. It doesn't appear to have any striking relevance.

DR. SAUTER: Mr. President, we have presented that document because it is to prove or at least speak for it, that the Defendant von Schirach together with this Dr. Colin Ross did continuously work to maintain peace and later on to limit the war. Therefore, it is presented only because of the peace efforts of von Schirach.

THE PRESIDENT: The document doesn't mention von Schirach or in any way indicate that he had worked for peace, so far as I can see.

H0142 - 0043

DR. SAUTER: But it says in the document, "We have done everything in our power to prevent this war and to terminate it."

THE PRESIDENT: Dr. Sauter, the word " e" must mean the people who "leave the world by our own will," namely, Dr. Ross and his wife. It doesn't refer to von Schirach.

DR. SAUTER: e don't know that. Why shouldn't it refer to von Schirach?

THE PRESIDENT: Because there is such a thing as grammar. The documents begin "We leave this world by our own will,"

DR. SAUTER: As to that, Mr. President, may I remind you that htis name, Dr. Colin Ross, has been mentioned very often during this trial in connection with the peace efforts of the Defendant von Schirach and that Dr. Colin Ross, together with his wife, was living in Schirach's apartment when they committed suicide.

THE PRESIDENT: Well, very well, Dr. Sauter, if you wish to draw our attention to it, you may do so.

DR. SAUTER: Yes, certainly, sir.

Mr. President, this letter as such wasn't meant for the public; the letter in its original form was left behind by Dr. Ross, whilst a number of copies went to personal friends, and in that way we actually found this Dr. Colin Ross later. I don't think there is anything else I have to say on it.

THE PRESIDENT: I haven't said anything critical about the letter. If you wish to read some sentences, you may read them; if you don't, we will take judicial notice of it. As I told you, we have already read the letter.

DR. SAUTER.: Yes.

THE PRESIDENT: I am not stopping your reading a sentence of it, if you want to.

DR. SAUTER: I don't suppose that is necessary, Mr. President, if you have taken cognizance of it, and in that case I have nothing else to say, and I can end my case for the Defendant von Schirach.

THE PRESIDENT: Dr. Sauter, have you offered in evidence all the documents which are in these books?

DR. SAUTER: Yes.

THE PRESIDENT: Then they will be numbered with the numbers which are in the books.

DR. SAUTER: Yes.

THE PRESIDENT: Very well, then we will take judicial notice of them all --

H0142 -0044

MR. DODD: There is one letter, however, that the Tribunal expressly ruled on the affidavit of Ueberrither. Defendant von Schirach was told he would have to present Ueberreither if he were to use this affidavit. He hasn't presented him, and the affidavit is being offered. We expressly asked that he be called here if this affidavit is being submitted.

DR. SAUTER: I am not making any references to Ueberreither's affidavit, and as far as the witness Ueberreither is concerned, I do not wish to call him.

THE PRESIDENT: Very well, Dr. Sauter.

MR. DODD: Then the affidavit is not offered.

THE PRESIDENT: No, it is not.

MR. DODD: That is page 135. Very well, then it will not be admitted.

THE PRESIDENT: And we will adjourn now.

(A recess was taken until 1400. hours.)

H0142 - 0045

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 28 May 1946)

MR DODD: Mr. President, during the Presentation of the case involving the defendant Funk, there was a number of documents that we did not submit in evidence at the time; and I asked the Tribunal's consent to do so at a later time. I am prepared to do so now if the Tribunal would care to have me.

THE PRESIDENT: Yes, I think it would be quite convenient now.

MR. DODD: Very well, sir.

The first one is a matter of clarifying the record with respect to it. It is Document 2828-PS. It has already been offered in evidence as USA Exhibit 654. But the excerpt, or the extract, which was read will be found on Page 105 of the document. We cited another page which was in error. Reference to this document, USA. Exhibit 654, will be found on Page 9071 of the record.

We also offered our document E.C.440, which consisted of a statement made by the defendant Funk, and we quoted a sentence from Page 4 of that document. I w is to offer that as USA Exhibit 874.

Then document, 3952-PS was an interrogation of the defendant Funk dated Octob 19, 1945. We wish to offer that as USA, Exhibit 875.

I might remind the Tribunal that the excerpt quoted f om that interrogation had to do with the statement made by Funk that the defendant Hess had notified hi of the impending attack on the Soviet Union. That excerpt has been translated int the four languages, and therefore will be readily available to the Tribunal.

Then there is also an ther interrogation dated the 22nd of October, 1945. We read from Pages 15 and 16 of that interrogation, as it appears in the record on Page 9169 for May 7th, The document is No. 3953-PS; we offer it as USA Exhibit 87

We next referred to Document No. 3694-PS , the interrogation of one Hans Poss. We offered it as USA Exhibit No 843 at the time, as appears on Page 9093 of the record for May 6th. At that time, I stated to the Tribunal that we would submit the whole interrogation in the French, Russian, German, and English. We are now prepared to do that, and do so.

Then we have document 3954-PS. This is an affidavit by one Franz B. olf, one of the editors of the Frankfurter Zeitung. Reference to it will be found at Page 9082 of the transcript, where we stated that we would have no more to say about

H0142 -0046

the reason for the retention of the editorial staff of the Frankfurter Zeitung. That document, 3954-Ps, is also now available to the Tribunal in French, Russian, German, and English; and we offer it as USA Exhibit 877.

Then, Mr President, a motion picture film was shown during this cross examination of the defendant Funk; and the Tribunal inquired as to whether or not we would be prepared to submit affidavits to give the source, and so on. We are now prepared to do so; and we offer first an affidavit by Captain Sam Harris who arranged to have the pictures taken. which becomes USA Exhibit 878. The second affidavit is by the photographer who actually took the picture. We offer that as USA Exhibit 87.

Finally, I should also like to clear up one other matter. On March 25, during the cross examination of the witness Bohle, witness for the defendant Hess, Colonel Amen quoted from the interrogation of von Strumpel, which appears in the record beginning at Page 6482. We have the pertinent portions translated into the operating languages of the Tribunal, and we ask that this interrogation, which bears our document number 3000-PS, be admitted in evidence as USA Exhibit 880.

I believe, Mr President, that clears up all of the documents that we have not offered formally, up to this date.

THE PRESIDENT: Now, counsel for the defendant Sauckel.

H0142-0047

DR. SERVATIUS (Counsel for the defendant Sauckel): With the permission of the Tribunal, I now call defendant Sauckel to the witness stand.

THE PRESIDENT: Certainly.

ERNST FRIEDRICH CHRISTOPH SAUCKEL, defendant, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Ernst Friedrich Christoph Sauckel.

Q Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SERVATIUS:

Q Mr. Witness, please describe your carrer to the Tribunal.

A I was born as the only child of the postman Friedrich Sauckel at Hassfurt on the Main near Bamberg. I attended elementary school at Schweinfurt and the secondary school.

Q How long were you at the Secondary school?

A I was there for five years Attendance at that school was possible through my mother who was a seamstress, since my father was very badly paid. Since she was suffering from a heart disease, it became clear to me that I would not be able to study, and I obtained their permission to become a sailor, thus creating my own carrer for myself.

Q You joined the merchant marine, or where did you go?

A First of all I went to the Norwegian and Swedish merchant navy, so that, in accordance with sailors' traditions, I would be trained on sailing ships and learn the life of a sailor and the life aboard from the beginning.

Q How old were you at the time?

A At that time I was fifteen and a Half.

Q What were you earning?

A As a cabin boy on a Norwegian sailing ship, I was earning, in addition to free food, five Kronen.

Q And then during the time you were a sailor, where did you go?

A During my life as a sailor, which later on was completed on German sailing ships, I sailed all the seas and visited all the continents.

Q Did you come in contact with foreign families?

A Through the Young Men's Christian Association, I came into contact particularly in Australia and North America and South America with families of these states.

Q Where we e you when the first world war statrted?

A On a German sailing ship during a journey to Australia; when the ship was captured on the high seas, I landed in French captivity.

Q How long did you stay there?

A Five years, until November 1919.

Q And did you return home then?

A I returned home at that time then, yes.

Q And then what did you do?

A My training and my study of navigation which I had to carry out had been completed, but since the savings of my time as a sailor had disappeared during the German inflation, I could no longer go to pass my examinations, and there were few German ships. There were many unemployed German seamen so that I decided that I should work in a factory in my home town of Schweinfurt.

Q Did you remain in your home town?

A At first I remained. I was learning in the ball bearing factory of Fischer the trade of a lathe worker and machinest, to save enough money so that I would later be able to attend an engineers college.

Q Were you politically active at that time?

A After having despised during my sailors' life to be

H0142 – 0048

politically directed, loving as I did my sailor's lofe, which I still love today, conditions forced me to define my own attitude to the political problems of the time. No one in Germany at the time could do otherwise.

Years before I had left a beautiful country, and I could not return to that country without finding it basically changed and in an upheaval. There was considerable psychological and material emergency.

Q. Did you join any party?

A. No, I was working in a factory which people in my h me town used to describe as "ultra red". I was working in the tool shop, and on my right and on my left there were working, among others my present father-in-law, Social Democrats, Communists, and Anarchists, and during all of the intervals of work, there were discussions, so that, whether one wanted to or not, one had to become involved in the social troubles of that time.

Q. You are mentioning y ur father-in-law. Did you marry just then?

A. I married in 1923. I married the daughter of a German worker whom I am still happily married today and have four children.

Q. When did you join the Party?

A. I finally joined the Party in 1923 after I previously had a loose connection with it.

Q. What was the cause for your doing that?

A. In those days I had read a speech of Hitler's. He had expressed in that speech the thought that the German factory worker, the German laborer, would have to get together with the intellectual workers in Germany, and that the controversies between the proletariat and the middle class would have to be bridged by their getting to know each other. This would create a new people, a new community, and only such a community above the classes, above the proletariat, could overcome the dire needs of those days and the split in the German nation between the parties and the confessions could only be bridged in that manner.

I was so impressed by those words, I was so deeply impressed that this idea of bridging seemingly unbridgeable gaps became the dominant idea of my life. If I may say so, I did that all the more because I was aware of the

H0142 - 0049

fact that the German people and the German character was inclined to go to extremes.

I had personally to find the right way. As I have already said, I had hardly been interested in political questions. My good parents, who are no longer alive, had educated me in a strictly Christian sense but also in a very patriotic sense. My life, however, when I went to sea, continued in sailors' quarters. I would load saltpeter in Chili. I would work on heavy timber jobs in Canada. I would load coal on the equator, and I sailed around Cape Horn several times. All of this was hard work.

Q. Please, will you come back to the question of the Party?

A. I am at the moment talking about the question of the Party, because we must all somehow give reasons how we did get there. I myself, and that I want to say --

THE PRESIDENT: I stated at the beginning of the defendants' case that we had heard this account from the defendant Goering and that we did not propose to hear it again from twenty defendats'. It seems to me that we are having it inflicted upon us by nearly every one of the defendants.

DR. SERVATIUS: I believe, Mr. President, that we are concerned with getting some sort of an impression of the defendant himself. Seen from various points of view, the facts look different.

THE PRESIDENT: We have had half an hour, almost, of it now.

DR. SERVATIUS: I shall now limit it, Mr. President.

BY DR. SERVATIUS:

Q. The Party was dissolved in 1923, and there was a new foundation in 1925, and you joined it, did you not?

A. Yes.

H0142-0050

H0142 - 0051

Q Were you active in the Party or were you just a member?

A Beginning with 1925, I was active in the Party.

Q And what position did you have?

A I was the manager of the Gau Thuringia.

Q Did you do that just to get work and just to earn your living, or what was your reason?

A As the manager of the Gau Thuringia, I was earning 150 marks. Any other profession would have supplied me with quarters and more money.

Q When did you meet Hitler?

A I met him briefly in 1925.

Q When did you become Gauleiter?

A I became Gauleiter in 1927.

Q And how were you nominated?

A I was appointed by letter.

Q Did you have any special instructions which might point at any secret intentions of the Party?

A At that time we were strictly instructed that the Party would in no way be engaged in any secret goings on, that it would be public.

Q Who was your predecessor?

A Dr. Dinter.

Q Why was he relieved?

A Dr. Dinter was relieved of his duties because he had founded a new religious movement in the Party, or wanted to.

Q In 1929, you became a member of the Thuringian Diet.

A Yes.

Q Were you elected?

A I was elected, as would be the case in every parliamentary election

Q Was there dictatorship already at the time?

A But that wasn't possible in accordance with the Thuringian constitution by which the country was governed.

Q How was it dissolved?

A The Parliament was dissolved by a law published by the Reich Government.

H0142 - 0052

Q Then in 1932 you were a member of the County Government of Thuringia. How did you get into that position?

A In 1932, in the month of June, there were elections for the Thuringian Parliament, and the National Socialist German Workers Party obtained 26 out of 60 seats.

Q Was dictatorship mentioned in that connection?

A No, parliamentary principles were used to elect a government.

Q You had a majority in the Thuringian Government and you could use your influence.

A The central parties, by an absolute majority, elected a National Socialist Government.

Q What happened to the old civil servants? Were they dismissed?

A I myself became the chairman of that government and old officials, without exception, remained in their offices.

Q And what did that first National Socialist government concern itself with, politically speaking, I mean.

A The internal political sector only allowed one question at that time, and that was the removal of an unimaginable emergency which is exceeded only today.

DR. SERVATIUS: In this connection, Mr. President, may I submit two government reports. I only wish to draw your attention briefly to two passages. One is the report contained in Document No. 96, which shows the activities of the government fight against the social emergency, and if you will glance through it -- it is important to know what is not contained in it -- there is no mention of the question of war or any such matters, but again and again is mentioned the alleviation of the dire needs of the time and what is important is the work that was being done. In Document No.97, on page 45 there is a statement of the work which this government was carrying out, the construction of bridges, construction of roads, and so on, and there is in no way mentioned any aggressive intention.

Then, at the same time, I present Document No. 95. That is a book called "Fritz Sauckel's Fighting Speeches." Here, too, the book is remarkable because of that is not contained in it, namely, belligerent preparations for a war, and again here we find that the emergency is being dealt with, which becomes clear from the individual articles. These are speeches made during a number of

H0142 - 0053

years, and which all show in what direction the defendant Sauckel was being active. Again, in 1932, there is a speech mentioning the misery of the time, and it ends with a speech in which once more the concern regarding the removal of social need, and the preservation of peace are again and again referred to.

The Tribunal will no doubt be able to read the articles in my document book.

BY DR. SERVATIUS:

Q In 1932 you became Reichstatthalter of Thuringia. How did you achieve that position?

A Reichspresident Reichsmarschall von Hindenburg appointed me Reichsstatthalter of Thuringia.

Q What were the instructions you received when you took up your offices?

A When I started as Reichsstatthalter, I received instructions to form a new Thuringian government since the Reichsstatthalter had wanted to keep out of administrative difficulties of the German county.

Q You needn't tell us these technical difficulties. I am thinking of the political task you received.

A I received the political task of administering Thuringia as Reichsstatthalter within the existing Reich law, to stand for unity within the Reich.

Q Unity of the Reich. And did that mean the absorption of others, in particular the official organizations in Thuringia?

A No. Administrativebodies remained.

Q You held the position of Gauleiter and the position of Governor. What was the aim of that?

A Both positions and their organizations were strictly separated. On the side of the Governor there were officials and civil servants, and on the other side of the Gauleiter there were employees of theParty. Both pssitions were kept strictly separate and they were run apart from each other, as would be the case in any other state where members of the party have party positions simultaneously with other positions.

H0142 - 0054

Q So that there was no order that one position would absorb the other?

A No, I didn't have any such orders. The tasks were entirely different.

Q Were you a member of the SA?

THE PRESIDENT: You are going a little bit too quickly, I think, for the interpreters.

BY DR. SERVATIUS:

Q Were you an SA man?

A I myself was never an SA man. I was an honorary Obergruppenfuehrer in the SA.

Q How did you receive that appointment?

A I can't tell you. I was honored with it.

A No, the Fuehrer gave me an honorary appointment of SS Obergruppenfuehrer without any function on my part.

Q Were you a member of the Reichstag?

A Yes, beginning in 1943.

Q As a member of the Reichstag, did you know anything in advance about the beginning of the war? Were you informed?

A Foreign political developments and the beginning of thewar were not communicated to me in advance. I merely remember that quite suddenly -- and I think this was during the days between the 24th of August and the end of August -- we were called to a meeting of the Reichstag at Berlin. That meeting was cancelled at the time, and later on we were ordered to see the Fuehrer, that is, the Gauleiters and Reichsleiters. A number had already left, however, so that we were not complete. Hitler's speech had only lasted a very short time. He said, roughly, that the meeting of the Reichstag could not take place since developments were still going on, and that he was convinced that there would not be a war. He said that he hoped and believed in a solution, and I understood, as I had to, that he meant by that a solution without the 21 lost parts of Upper Silesia.

He said -- and that I remember very exactly -- that Danzig would become German and that apart from that, Germany wouldhave railway communica- with several tracks and a Reichsautobahn with a certain amount of territory on the right and left of it.

He told us to go home and prepare the Reich Party Rally, where he would meet us again.

H0142-0055

Q Did you have close connections with the Fuehrer?

A I personally, as far as I knew the Fuehrer, worshipped him a lot. I had no personal connections with him either which you can describe as personal. I had a number of discussions with him which dealt with my Gau andin particular, with advancing cultural monuments in Thuringia, Weimar, Eisenach and Meiningen, in which he was very interested; and later on, there were a few more frequent meetings because of my position as General Plenipotentiary for Labor.

Q Yes, but we shall come to that later. What connections did you have to the Reichsleiters?

A My connections with Reichsleiters weren't any different than those connections with the Fuehrer. They were of an official and Party character and there weren't any personal close connections in connection with anyone of them.

Q What about your connections with the Reichsministers; how was that ?

A They were purely official connections and there were few contacts.

Q What about the armed forces?

A I have not had the honor to be a German soldier because of my imprisonment in the first world war and in this world war, the Fuehrer refused to allow me to do my duty as a soldier.

Q Witness, you have held a number of high positions. You know the Reichsministers and Reichleiters. Please, will you explain just why you got aboard that submarine at that time?

A I had repeatedly asked the Fuehrer in writing for permission to report to the armed forces and join them with another rank, an enlisted man. He refused that and, secretly, I arranged to be represented in the Gau and went aboard Captain Sahrmann's submarine with the agreement of the captain because I was an old soldier who was now in a high position as a politician and wanted to show the brave sailors a demonstration of my comrade dealings and for my understanding of their duties. Apart from that, I had ten children for whom I, as their father, had to do something, too.

Q I shall now put a number of questions to you which refer to your activities. Were you a member of a trade union?

H0142 - 0056

A No.

Q Do you know the aims of German trade unions?

A Yes, I do.

Q Were they economic or political?

A The aims of German trade unions were such, as I learned of them as a worker; they were political aims and there was a number of various trade unions that were differently adjusted politically. I consider that as a great misfortune. I, myself, have experienced it in a workshop as a worker, partly from arguments and discussions amongst trade unions, arguments between the Christian Socialist trade unions and the red trade unions, between the Anarchist trade unions and the Communistic trade unions.

Q But in your Gau, trade unions were dissolved; were the leaders arrested at the time?

A No.

Q Did you order or did you approve of having trade unions dissolved?

A The dissolving of those trade unions at that time was pending. This question was discussed in the Party for a long time because one was by no means united about the purposes and suitability of trade unions but a solution had to be found because trade unions, such as the Fuehrer or Dr. Ley were dissolving, were directed differently, politically speaking. Beginning with that time, however, there was only one party in Germany and it was necessary to define the actual tasks of trade unions -- the necessary tasks which existed for every profession and were indispensible to every worker and these necessities I recognized in full, and they were to be brought to one definite solution.

Q Wasn't it the purpose, in that, when trade unions were removed, that anything should be removed which might stand in the way of an aggressive war?

A I, with my full conscience, can say that during those years not a single one of us did in any way have the thought of a war. We had to do away with such frightful need that we could only be happy if German economic life would grow in peaceful days and the German worker who was the suffering party during that frightful depression should once more have work and food.

Q Did members of trade unions suffer any damage through the solution?

A In no way. My own father-in-law was a member of a trade union and

H0142 - 0057

is still a member of a trade union today and whom I asked again and again, whom I never persuaded to join the Party, he being a Social Democrat, and didn't join the Party at any time but he confirmed it, even when he was getting old and couldn't work any more, that the German worker's front was carrying out all the duties which he as an old trade union member -- and on the strength of his long membership of the trade union -- knew that they carried it out and that he had the full benefit of it. On the other hand, the German State, since there was an old age insurance, accident insurance and health insurance in Germany which was paid and organized by the State, the National Socialist State would guarantee all these rights and pay up.

Q Were all Communist leaders arrested in your Gau after the Party came to power?

A No. In my Gau, and as far as I know, only Communists were arrested who had actively worked against the State.

Q And what happened to them?

A The State Police arrested them, interrogated them and in accordance t the findings, they were either detained or released.

Q Did you have a Kreisleiter in your Gau who had been a member of an opponent party, an opposition party?

A The activity of the Party was a recruiting activity. Our most intensive propaganda was the recruiting of political opponents. I am very proud that there were many workers in my Gau, numerous former Communists and Social Democrats, in fact, local group leaders and party functionaries who joined the Party and who could be won over by us.

Q But weren't there two Kreisleiters who came from the extreme political left and whom you employed?

A There was one Kreisleiter from the extreme left who was employed just as a part from a number of other leaders -- there was in the Gau a trustee of The German laborers front, who was a member of a very leftish party for a long time.

Q How did you treat your political opponents, you, yourself?

A Those political opponents who weren't working against the State, as far as my Gau was concerned, were neither bothered nor hindered.

H0142 - 0058

Q Do you know of a Socialist Deputy Froehlich?

A The Socialist Deputy August Froehlich was my strongest and most consequent opponent. Heowas the leader of the Socialist Democrat Party in Thuringia of long standing. I respected him as an opponent a great deal. He was an honorable man and just; and on the 20th of July 1944, through my own personal initiative, he was released from detention. I had him released because he stood on the list of the conspirators of the 20th of July. I had so much respect for him personally that, nevertheless, I asked to have him released, something which I did actually achieve.

H0142 - 0059

Q. Did you treat other opponents similarly?

A. A politician of the Central Party from my home town, Schweinfurt, was also released from detention on my initiative.

Q. The concentration camp of Buchenwald was in your Gua. Did you install it?

A. This Camp Buchenwald was installed in the following manner. Because of the theater at Weimar, the Fuehrer had come to that twon quite often, and he suggested that a battalion of Leibstandarte should be stationed at Weimar. Since the Leibstandarte were considered an elite regiment, I was not only agreeable to this, but very pleased, because, in a town like Weimar one is very happy if a garrison is established there.

Then the County Administration and Government of Thuringia, by request of the Fuehrer, chose a site in the Eckersdorf Forest, north of the town in the hills. Himmler informed me, however, that he could not bring a battalion of Leibstandarte to Weimar, since he could not divide that regiment, but that it would be a new Death Head Unit, and Himmler said that that was the same.

Again, some time later on, Himmler stated -- at a time when the site had already been placed at the disposal of the Reich -- that he would now have to establish on this very suitable site some sort of a concentration camp which would have to be accommodated together with this Death Head unit.

First of all, I resented that because I was altogether against a concentration camp for the town of Weimar and its traditions. Himmler, nevertheless, refused to have any discussion about it with reference to his position. Therefore, neither to the pleasure of myself nor the population of Weimar, they created that camp.

Q. Did you have anything to do with the administration of that camp later on?

A. I never had anything to do with the administration of that camp. At that time the Thuringian Government tried to influence the constructions plans in such a manner that the building police in Thuringia would lay down the plans for the hygiene arrangements in that camp. Himmler -- because of the fact that he had a construction bureau of his own -- refused that request. He stated that the site was now a site of the Reich.

H0142 – 0060

Q. Did you yourself visit the camp at any time?

A. As far as I can remember, I visited the camp on one single occasion. It was either the end of 1937 or the beginning of 1938. I visited the camp with an Italian commission, when we inspected it.

Q. Did you find any deficiencies there?

A. I did not. I inspected the accommodations; I myself had been a prisoner for five years, and therefore I was interested in that. I must confess that at that time there was no cause for any complaints as such. The accommodations had been divided into day and night accommodations. The beds had blue and white sheets; the kitchens, laundry facilities, latrines, and so forth, were perfect. The Italian officers who were present during that inspection said that in Italy they would not accommodate their own soldiers any better.

Q Later on, did you hear about the events in that camp which have been mentioned here,

A These events, such as they have been mentioned here, did not come to my knowledge.

Q Did you have anything to do with the clearing the camp at the end of the war, before the American Army approached?

A When the Mayor of Weimar informed me that the intention existed to evacuate the camp at Buchenwald and to use the guards of that camp in the fight against the American troops, I refused that quite strictly, since I had no authority to give orders to anyone in that camp. Then for several reasons of another character I had had considerable differences with Himmler--I telephoned the Fuehrer's

H0142-0061

apartment in Berlin and stated that an evacuation or a march-back of prisoners into the territory east of the Saale was impossible, nonsensical, that it could not be carried out from the point of view of feeding, and I demanded that that camp should be handed over to the American occupation troops in an orderly manner. I received the answer that the Fuehrer would give instructions to Himmler to comply with that request of mine. I briefly reported that to some of my officials and the Mayor, and then I left Weimar.

Q The witness Dr. Blaha has stated that you had also been to the concentration camp at Dachau on the occasion of an inspection.

A I have not been to Dachau concentration camp and , according to my recollection, I did not participate in the Gauleiter visit to Dachau in 1935 either. Under no circumstances did I participate in an inspection in Dachau such as Dr. Blaha has described here; and, furthermore I did not inspect any workshops or anything like that.

Q Did you not as Gauleiter, receive official reports regarding the events in the concentration camp? That is to say, didn't orders go through the Gauleiter office, both on their way up and on their way down to the camp?

A No. I neither received the authority to give instructions to the camp, nor did I receive reports. It wasn't only my personal attitude, but it was the attitude of experienced old Gauleiters, that it was the greatest misfortune, administratively speaking, when Himmler, as early as 1934-1935 was proceeding to transfer the executive powers away from the general administration of the Interior. There were countless complaints from every Gauleiter and the county administrations in Germany. They were unsuccessful, however, because, at the end, Himmler even subordinated the local fire brigade to his police.

Q Did you have personal connections at Weimar with the Police and the SS?

A I had no personal connections with the S. and the Police. I had official connections insofar as the state police and the municipal police of small municipalities came under the interior administration of the County of Thuringia.

Q But did the police have their headquarters near you at Weimar?

A No. you see, that was the nonsensical part of that development at the time. I had once explained to the Fuehrer that there was a Party staff and a county staff, which was changed over to a resort staff. Ministries in the Reich had developed considerably. They had moved apart and the various departments in the

H0142-0062

administration did not in any way cooperate. They did not tally either. Until 1934 Thuringia and its Ministry of the Interior had a police administration independently, of its own. At the beginning, at that time, the headquarters of the SS and the Police Fuehrer went to Cassel so that Himmler, contrary to the customary organization of the State and organization of the Party, would once more find new fields for his police. That was something which expressed itself in Central Germany because of the fact that the Higher SS and Police Leader for Weimar and the County of Thuringia was stationed in Cassel, whereas the Prussian part of the Gau of Thuringia--that is to say the town of Erfurt, which is 20 kilometers away from Cassel--was looked after by a Higher SS and Police Leader who was stationed at Magdesburg.

That such a development did not in any way appeal to us, and that this would create a great deal of disgust amongst the experienced administrators is something which must be quite clear.

Q But the question is this: Did you cooperate with these sources, and did you have a great deal of friendly contact with the officials in question? Did you have to know, therefore, what was going on in Buchenwald?

A To the contrary. There was a continuous battle; there was a neutral sealing off in the various organizations. During such a time in the development of this world that was most unfortunate and quite unforgivable, and

H0142 - 0063

most impossible for any administration.

Q Was there persecution of the Jews in your Gau?

A No.

Q What about the Jewish laws and their carrying through?

A These Jewish laws were announced in Nurnberg. There were actually ver few Jews in Thuringia.

Q Weren't there any perpetrations in connection with the well-konwn events which have repeatedly become the subject of this trial? I am thinking o the murder of the Ambassador in Paris.

A I cannot recollect in detail now the events or the episodes in Thurin gia. As I told you, there were only a few Jews in Thuringia. The Gauleiters wer in Munich at that time. They had no influence on that development because, as I say, that happened during the night when all the Gauleiters were in Munich.

Q My question is this. What happened in your Gau of Thuringia, and what instructions did you give?

A There may have been a few places in Thuringia where a window was smas I can't tell you that in detail. I can't even tell you where or whether there were synagogues in Thuringia.

Q Now one question regarding your own personal property.

On the occasion of your 50th birthday the Fuehrer gave you a present. How much was it?

A In October of 1945, on the occasion of my 50th birthday, I was surpri when an adjutant of the Fuehrer delivered a letter from the Fuehrer. In that letter there was a check amounting to 250.000 marks. I told the adjutant that I could not possibly accept that. Of course, I was very much surprised. The Fuehr 's adjutant -- and that was the little Bormann, the old Bormann, and not Reichs leiter Bormann--told me that the Fuehrer knew quite well that I had neither mon nor any real estate property and that this was a sort of bank account for my ch dren. He told me not to hurt the Fuehrer's feelings.

After that adjutant had quickly departed, I talked to one of my officials, a friend of mine, the President of the State Bank of Thuringia. I asked him to come and see me, but, unfortunately he has been refused as a witness.

THE PRESIDENT: Can he not tell us whether he ultimately accepted it or no

BY DR. SERVATIUS:

Q Let us drop that question. What happened to the money?

H0142-0064

A That money was placed in a special account in the State Bank of Thuringia through this bank president whom I was mentioning.

Q What other income did you have from your official positions?

A Only the income of the salary of the Reich's town governor.

Q How much was that?

A The salary of the Reich Minister, I can't tell you for certain. I, as a sailor, have never concerned myself with it. I think it was something like thirty thousand marks.

Q And what property do you have today apart from that donation in that bank account?

A I have not saved anything and I have not owned anything.

DR. SERVATIUS: That, Mr. President, brings me to the end of these general questions and I am now coming to the special questions relating to labo

THE PRESIDENT: We will adjourn.

(A short recess was taken.)

DR. SERVATIUS: To aid the Court I have prepared a plan on the direction of the Arbeitseinsatz, Neibor Committment, which is to give an understanding about how the individual authorities cooperated and how the Einsatz was put into operation. I will concern myself primarily with the problem of obtaining the necessary workers, that is the question of how the workers were obtained. As for the use made of the workers, that is the needs of industry, I will concern myself only slightly. This is more a matter of Speer's defense which does not quite agree with my point of view. They are small matters about which I made mistakes because I did not understand these matters completely when I prepared the plan; but there are no basic differences.

If I may explain the plan briefly, at the top the "Fuehrer" in red; under him the "Four-Year Plan"; under him as part of the Four-Year Plan --

THE PRESIDENT: Wait a minute.

DR. SERVATIUS: At the top the "Fuehrer" in red; under him the "Four-Year Plan"; then the Sauckel agency, the department generally for the labor committment, directly under the Four-Year Plan.. He gets his orders from the Fuehrer through the Four-Year Plan, or directly, according to the nature of

H0142-0065

the Fuehrer. Sauckel's Agency is the Reich Ministry. It is below to the left, below the Sauckel agency which is in brown. It is the big area edged in yellow. Sauckel was only incorporated into the Reich Labor Ministry and a few officers were put at his disposal. There remained the Reich Labor Minister and the whole Labor Ministry. In the course of time Sauckel's position became somewhat stronger. Individual departments were incorporated into his field and he obtained personal powers in part, but the Reich Labor Ministry remained until the end.

I should now like to explain how the Arbeitseinsatz was put into operation. Through a committment in the east, the bit losses in the winter, there arose a need for two million soldiers. The Wehrmacht, marked in green at the top next to "The Fuehrer", "OKW" demands soldiers from the factories. It is marked here in the green field below the "OKW". The line leads, at the bottom to the left, to the concerns marked with thirty million workers. The Wehrmacht withdraws two million workers but can do that only after new workers are there. That was the moment when Sauckel was put into office in order to obtain these workers. The number of men needed at the change in the high offices by the people marked at the top in yellow, those are the supreme officers: Armament of Production Ministry, Air Ministry, Ships, Traffic, and so forth. They report their demands to the Fuehrer and he decides what is needed Sauckel's task is followed out as follows: Let us go back to the brown box. In the field to the right where the boxes are rimmed in blue are the highest authorities in the occupied territories, Reichsminister for the Eastern Territories, Rosenberg; then the military authorities; and since it was handled a little differently in each country, the various countries, Belgium, France, Holland, and so forth, are marked here.

H0142-0066

These agencies received orders to make workers available each in their own machinery further below down to the local labor offices which are under the local authorities, and other workers are assigned to the factories from here. That is the reservoir of foreigners. Then these are two more sources of labor, the reservoir of German workers, which is marked in blue to the left at the bottom, and the reservoir of prisoners of war. With these three agencies Sauckel had to deal. I will now ask, put the corresponding questions to the witness. This is only to refresh the memory and control the exposition. I will submit other charts later. It shows the positions of the individual in the agency and later a chart on the inspection and controls which were set up.

THE PRESIDENT: Dr. Servatius, you will no doubt be asking the witness whether he is familiar with the chart and whether it is correct.

BY DR. SERVATIUS:

Q Witness, you have seen this chart. Is it correct? Do you acknowledge it?

A According to my conviction and my memory it is correct, and I acknowledge it.

Q On the 21st of March 1942 you were made Plenipotentiary General for Labor Commitment. Why were you chosen for this office?

A The reason why I was chosen for this office I never learned and I do not know it. On the basis of my engineering studies I concerned myself with problems of labor systems but I do not know whether that was the reason.

Q Was your appointment not made at Speer's suggestion.

A Reichsleiter Bormann has said so in his decree, as the preamble.

Q I refer to Sauckel's document 7 in document book 1, page 5.

A I should like to say that this task was a complete surprise to me, that I did not try to get it in any way, that I never to obtain any of my offices.

H0142-0067

THE PRESIDENT: What number are you giving to this document?

DR. SERVATIUS: Document Number 7.

THE PRESIDENT: I mean the chart. What number are you giving to the chart?

DR. SERVATIUS: Document 1.

THE PRESIDENT: Number 7, page 5.

DR. SERVATIUS: Yes. This document is a preamble to the decree issued by the Reichsleiter Bormann -- added to the decree by Reichsleiter Bormann. It shows that it was Speer who suggested Sauckel for this position.

BY DR. SERVATIUS:

Q Was this a completely new office which you took up?

A No. "Arbeitseinsatz" existed before my appointment -- was directed by the Four-Year Plan. "Ministerialdirektor" Dr. Mansfeld was occupied with this office at that time. Before me this office was characterized as that of Plenipotentiary General, but I learned that only here.

Q On taking up your office did you talk to Dr. Mansfeld, your predecessor?

A I did not see Dr. Mansfeld, and did not speak to him. I received no instructions from him.

Q To what extent was your agency different from that of the previous Plenipotentiary General?

A My office was different to this extent: The departments in the Four-Year Plan were dissolved and were no longer used by me. I used departments of the Reich Labor Ministry because they had experts; used them more and more in this work.

Q What was the reason for this re-formation of the agency?

A The reason was the many conflicting interests which until the third year of war had exerted their influence; political, state, internal administration offices, party agencies and economic agencies opposed the transfer of workers which had become urgent.

Q Witness, will you please try to make somewhat shorter

H0142-0068

sentences. I believe the interpreters would be grateful to you. What task did you have, what field of work?

A My main field of work was to direct and lead the German labor commitment. I was charged -- the workers who had to be freed from the economy because of drafting into the Wermacht, I was to replace them. Moreover, I also had to obtain new workers for new war industries which had been set up in the field as food industry as well as armament industry, of course, arms production.

Q Was your assignment definitely defined?

A The assignment was at first in no way definitely defined. There were about 23 or 24 million workers present in the Reich which were not entirely in war industry.

Q How did you understand your assignment, as permanent one?

A No. I could not consider this a permanent assignment.

Q Why not?

A The Reich Labor Minister and his secretaries were in office and the whole Labor Ministry.

Q What sources did you have to obtain these workers?

A First I had the workers in the Reich. The various occupations were not yet in war industry, not yet completely, in the way necessary for the commander.

Q At first, if I understood you correctly, a real distribution, thrifty management of German labor?

THE PRESIDENT: Defendant, I do not understand the German language but it appears to me that if you would not make pauses between each word and would make your sentences shorter and then pause at the end of the sentence, it would be much more convenient for the interpreter. I do not know whether I am right in that. That is what it looks like. You are pausing between each word and therefore it is difficult, I imagine, to get the sense of the sentence.

THE WITNESS: I beg your pardon, Your Lordship.

H0142-0069

BY DR. SERVATIUS:

Q What did you do to fulfill your assingment?

A I will repeat. First, since I had no direct specific instructions I understood my assignment to mean that through economic management I should fill up the gaps and lacks.

Q How many people were you to obtain?

A This question is very difficult to answer. I received the demands only in the course of the war. Labor and economy are a fluid matter, difficult to grasp. I received the assignment in the course of the war in the German labor sector to supply replacements for the Wermacht, with soldiers for the peace potential.

H0142-0070

Q You set up a program. What was provided for in the program?

A I set up two programs. At first, when I took up my office, I set up a program which dealt with a levée en masse, so called, of German women and German young people, and, as I already said, economic labor techniques and the full utilization of labor.

Q Was the program accepted?

A This program was rejected by the Fuehrer, when I submitted it to the Fuehrer, as was my duty, and to the agencies interested in the commitment of labor.

Q Why?

A The Fuehrer called me to him at that time and explained the German war production and economic situation to me. He said that he had nothing against my program, and that he had planned, in view of the situation, that he could not wait for the training of such German women. Ten million German women were employed who at that time had never done indistrial or mechanical work. Furthermore, he could not permit management, as I have said, a mixture of German and foreign workers.

Q One moment. The interpreters cannot translate your long sentences. You must make short sentences; otherwise, no one can understand you, and your defense suffers.

A In answer to my suggestion, the Fuehrer said that he did not have time for the management of labor.

Q And what did he suggest?

A I asked to be allowed to present this decision of the Fuehrer. He described the situation at that time after the end of the winter of 1941-42. Many hundreds of German locomotives, almost all the mechanical arms, tanks, planes, and mechanical weapons had become useless as a result of the catastrophes during an abnormally hard winter. Hundreds of thousands of German soldiers had suffered greatly from the cold; many divisions had lost their arms and supplies.

The Fuehrer explained to me that if the race with the enemy in rearmament was not won, the Soviets would be at the Channel during the next winter. He told me that, referring to my sense of duty and the employment of all my ability, he was giving me the assignment to obtain new workers for commitment in German war industry.

H0142-0071

Q Did you have no scruples that this was against international law?

A In regard to this question, the Fuehrer spoke to me in great detail. He explained the necessity so much as a matter of course that after one suggestion which he made himself was rejected, I had no scruples as regards international law against this commitment of foreign workers.

Q You negotiated with other agencies? There were workers within the Reich already? What was told you there?

A No high agency, military or civilian, expressed any misgivings. I may mention some references which the Fuehrer gave me. On the whole, the Fuehrer was very friendly to me; on this question, he was very strict, and said that he had left half the French army free and at home, most of the Belgian army, and the whole Dutch Army had been released from captivity.

He told me that he might have to recall these prisoners of war for military reasons, in the interests of all of Europe and the Occident, as he expressed himself; only a uniform Europe devoted to work could resist Bolshevism.

Q Did you know the terms of the Hague Land Warfare regulations?

A During the first world war, I was a captured seaman. I knew the necessities for and the chances of, any sort of treatment and shelter for prisoners of war and other prisoners.

Q Did foreign agencies - - I am thinking of the French - - every say that what you planned with your Arbeitseinsatz was against the Hague Land Warfare regulations?

A No. In France, I discussed questions of the Arbeitseinsatz only with the French Government, through the military commander and through the German ambassador in Paris. As far as labor commitments in France were concerned, I intended to conclude agreements with an orderly French Government. I negotiated with the general secretary in Belgium.

Q A large part - - about a third - - of the foreign workers were so-called Eastern workers. What were you told about them?

A With regard to the commitment of Eastern workers, I was told that Russia did not join the Geneva Convention, and so Germany for her part was not bound to it. And I was told further that Soviet Russia, in the Balkan countries and other areas, had planned taking workers from those populations, and that about 3,000,000 Chinese were working in Soviet Russia.

Q And what about Poland?

A As regards Poland, I have been told, just as it existed in other countries, that this was a case of total capitulation, and that Germany on the basis of this capitulation was justified in introducing German regulations.

Q Did you consider the commitment of foreign workers permissible from the German point of view?

A I considered the commitment of foreign workers according to the principles which I represented in my field of work and I adhered to. I was a German.

Q You must make shorter sentences.

You considered that permissible, then, in view of the principles which you wanted to apply, and, as you say, which you carried out in your field?

A Yes.

Q Did you also think of the hardship imposed on the workers and their families through this commitment?

A I know from my own life that even if one goes to foreign countries voluntarily, a separation is something very difficult, that it is very difficult for relatives to be separated from family members. But I also thought of the German families, of the German soldiers, and of the many, many hundreds of thousands of German workers who also had to go away from home.

H0142-0073

Q Was the suggestion made that the work could have been done in the occupied territories and that it would not have been necessary to remove the workers? Why was that not done?

A This is an interesting suggestion. If it had been possible, I would have carried out the suggestion which was made by Funk and other authorities and later even by Speer. It would have made my work much easier. On the other hand, there were big departments in these institutions which had to administer branches of the German economy and fulfill assignments. As the G.B.A. (Plenipotentiary General for Labor Commitment), I could not have them transferred to foreign territories. The authorities demanded from me replacement of agricultural workers and industrial workers. Labor replacements in agriculture and industry were needed because the men had been called to the colors.

Q You said before that the manner in which you had planned the commitment of workers could have been defended. What were the leading principles of your labor commitment in carrying it out?

A When the Fuehrer, in that drastic presentation of the situation, charged me with bringing foreign workers to Germany, I clearly recognized the difficulties of this task and I asked him to recognize the only way in which I could consider it possible.

Q Was not the principal consideration the economic exploitation of these foreign workers?

A Labor commitment has nothing to do with exploitation. Labor commitment is an economic process and is the obtaining of workers.

Q Did you repeatedly in your speeches and on other occasions state that the best possible economic utilization of these workers was important and speak of a machine which must be treated properly? Did you want to express thereby the thought of economic utilization?

A At all times a regime, no matter what nature, can be successful, in the production of goods only if it commits labor economically -- not too many and not too few. I consider that economical.

Q A document which was submitted here, RF 22, a government report, and other government reports say that one of the aims was the biological destruction of other countries. What do you have to say about that?

H0142 - 0074

A I can say with certainty that biological destruction was never mentioned to me. I was happy when I had workers. I felt that the war would last longer than was expected, and the demands upon my agency weresø urgent and so big that I was happy when people were alive.

Q What was the general attitude toward the question of foreign workers before you took over? What did you find when you took office?

A There was a controversy when I took office. About two million foreign workers were to be brought from neutral and allied states and occupied territories of the East and the West. They had been brought to the Reich in a disorderly manner. Many concerns avoided using the labor authorities or found them bureaucratic. The conflict of interests, as I said before, was very great. The police point of view was predominant at that time.

Q And what was the propaganda in regard to Eastern workers, for example?

A The propaganda was adapted to the war in the East. I may point out -- you interrupted me before when I was speaking of my assignment by the Fuehrer -- the Fuehrer demanded that workers working in Germany should not be treated as enemies. I demanded this from the Fuehrer and tried to influenc the propaganda to that effect.

Q What else did you do in regard to this situation which confronted you?

A I finally received permission from the Fuehrer for my second program. This program is here as a document. I must and will bear responsibility for this program.

DR. SERVATIUS: It has already been submitted. It is a document 16-Sauckel. It is a law for labor commitment of 20 April 1942, US Exhibit 168.

THE PRESIDENT: Where shall we find it.

BY DR. SERVATIS:

Q This program contains basicstatements. I will hand it to you. Please comment on the general questions only, not on the individual points.

H0142-0075

Q On the last part, there is a section added, "Prisoners of War and Foreign Workers." Have you found the paragraph? "Prisoners of War and Foreign Workers." In the third paragraph will you please look and see what you wanted to explain.

A I should like to point out that I set up this program independently and worked on it independently. In 1942, after this hard assignment which I was given by the Fuehrer, it was absolutely clear to me under what conditions foreign workers could be employed in Germany. I wrote down these sentences at that time. This program went to all German agencies which dealt with this matter:

"All of these people must be so fed, housed, and treated that with the most trifling commitments imagineable" -- I mean here the economic commitments -- "They can do the greatest possible amount of work. It is a matter of course to all Germans that toward the conquered enemy, even if he was our most bitter enemy, we must avoid all atrocities and all pettiness. We must treat him correctly and humanely even when we expect useful work from him." The word "even" should be "if".

Q Will you put the document aside now, please.

What powers did you have to carry out your assignment?

A To carry out my assignment I had the power, from the Four Year Plan, to issue instructions. I had at my disposal -- not under me, but at my disposal -- Sections 3 and 5 of the Reich Labor Ministry.

Q What department was that?

A The Department of Labor Commitment and Wages.

Q Could you issue directives and orders?

A I could issue directives and orders of a business nature to these agencies.

Q Could you carry on independently negotiations with foreign countries?

A I could carry on negotiations with foreign countries only through the Foreign Office or after approval of the corresponding ambassador or minister.

Q Could you give your order independently or was approval necessary

H0142-0076

consultation?

A My field of work, like every big branch of administration, made it absolutely necessary to discuss questions with neighboring departments, and I was obliged to do so.

Q With whom did you have to consult under the Four Year Plan under which you were placed?

A I had to consult first with the departments from which I received the assignments, also with the Party Chancellery, with the office of Reich Minister Lammers, the Reich Chancellery, with the Reichsbahn, the Reich Railroad, with the Reich Food Ministry, and so forth.

Q Was that easy, or were there difficulties?

A There were great difficulties.

Q Did you have any dealings with Himmler?

A Only in so far as he gave instructions. He was responsible for security, as he said.

Q Was that not a question which was very important for you in regard to the treatment of the workers?

A In the first months -- in the first weeks, I believe -- of this assignment, I was called to see Heydrich. In a precise and strict way, Heydrich told me that my program, which had been approved by the Fuehrer, should be considered a kind of fantasy, that I should realize that it was fantasy not to have barbed wire and so forth around the labor camps, that this made his work very difficult; I was responsible for labor commitment; he was responsible for security. That is what he told me.

Q Were you satisfied with that, that strict police measures existed?

A I made constant efforts to abolish these police measures as far as they concerned the workers who my agency and my office put to work in Germany.

Q What was the content of your right to issue instructions? Could you issue orders or did you have to carry on negotiations, or how was this carried out in practice?

A The right to issue instructions which I had was questionable from the beginning because I was forbidden, because of the necessities of war, to

H0142 -0077

establish any new office or organization of my own. I could give instructions only after negotiation with the supreme Reich authorities and consultation. They were, of course, purely of a business nature. I could not intervene in the administration.

Q What was the right to issue instructions in regard to the high authorities in the occupied territories?

A It was exactly the same, of a business nature. In practice, it was the chance to pass on the Fuehrer Orders which were

H0142-0078

carried out there in the machinery of the administration.

Q Could you give instructions to military authorities which absolutely had to be followed, to the Economic Inspectorate East, for example?

A No, there was a strict order of the Fuehrer that in army areas, operational areas, only the military commanders were competent, and everything had to be regulated through these agencies.

Q There was a military commander in France, was there not, or could you give orders directly there?

A Of course I could proceed in France only in the same way, by giving the military commander the instructions which I myself had received. He then consulted with the German Embassy and prepared them for the French Government, s. that in charge of the ambassador, and with the participation of the military commander, the discussion with the French Government took place.

Q And what about the Ministry for the Occupied Eastern Territories?

A As to the Ministry for the Occupied Eastern Territories, the situation was such that I had to turn over my assignment to the Reich Minister for the Occupied Eastern Territories and discuss it with him. We always succeeded in reaching an agreement with Reich Minister Rosenberg and in settling matters in a way that we considered right. But in the Ukraine particularly, the East, the Reich Commissar had very close relationships to headquarters, and it is generally known he acted very independently.

Q What did these authorities in the occupied territories think when you took up your activities?

A In the occupied territories of course there was much opposition to my taking up my work, because I brought new assignments, new necessities, into these territories, and it was not always easy to reconcile the various interests.

Q Was there apprehension that you would intervene in the administration of the district?

A I refrained from any such intervention because of my personal misgiving but there were many selfish interests at work there.

Q We will discuss this on another occasion.

Now I should like to ask you: You had deputies for the labor commitment. When did you obtain them?

A I obtained these deputies for the occupied territories through a

H0142-0079

personal decree of the Fuehrer, as I recall, of the 30th of September 1942.

Q What was the occasion?

A The occasion for appointing these deputies was to deal with the difficulties and the disorganization in these areas, and to dispose of them.

DR. SERVATIUS: I refer in this connection to Document 12, the Fuehrer Decree. The execution of the decree on the Deputy General for Labor Comitments is Document 13. The decree on the appointment of deputies is on page 13 of the document book. Document 12 has already been submitted as 1903-PS, U.S. Exhibit 206.

BY DR. SERVATIUS:

Q Did you not have two different kinds of deputies, or were there alrea deputies previously?

A There were deputies previously, deputies of the Reich Labor Ministry who in allied or neutral countries were assigned to the German ambassador. Th are to be distinguished from these deputies who were assigned to the chiefs of the German military or civilian administration in the occupied territories.

Q What position did the deputies hold in the occupied Territories?

A In the Occupied Territories, the deputies had a dual position. They were the leaders of the labor sections or in the local government there, which made my work more difficult and at the same time, there were deputies for me in order to carry out the principles of labor commitments if I had established them uniformly.

Q Did you have your own organization headed by the deputy or was that an organization of the district government?

A I did not have any organization of my own. The district governments were completely closed and administrations headed by the administration chief under whom the various departments took place.

Q How many such deputies were there in one district?

A In the various countries, as the supreme authority there, I had one deputy each.

Q What was the task of the deputy?

A The task of the deputy was, as I have already said, the legality of the execution of German orders, to guarantee the legality and in their field of work as members of the local administration, to deal with labor questions which came up there.

Q What tasks did they have as regards the interest of the Reich, distribution of labor in local commitments and in the Reich?

A Considering the local conditions, they had to see to it that my principles in the treatment, feeding, and so forth, of workers were observed.

Q Did you not have your own recruiting commission?

A There were no recruiting commissions, in a sense, in which it is used often in our own documents. It is a question of reinforcement by experts which were demanded by the district government in order to carry out the tasks in the countries in question.

Q What instructions did these recruiting commissions have?

A These commissions were instructed and it was often expressed clearly in my regulations and in my orders, which I therefore need not mention.

Q I refer here to document 15. It has already been submitted--3044-PS. US 206 and also as USSR 384. That is a decisive order No 4 of the 7th of May 1942. This settles in principle all important questions, also in regard to the deputies circulars and the recruitment directives given.

H0142-0080

Q Were these directives, issued by you, always adhered to?

A The directives issued by me were not always adhered to in the strict way that I demanded. I made every effort through constant instructions and threat of punishments which I, however, could not impose.

Q Were these orders so seriously meant? The French prosecution has submited a government report, one of your speeches which you had made at the time in Posen. It was a speech of apology. I ask you, were these principles meant seriously or only for appearences; and you, yourself, believed that it was impossible?

A I can only emphasize that in my life I worked so much myself and under diffcult conditions and these instructions express my full conviction on the necessity of these instructions.

Q Was there opposition to your principles?

A I have already said that my principles were in part considered a burden on German security by many authorities, Aside from a number of instructions to German Gauleiters, I issued a manifesto to all German government agencies in question.

DR. SERVATIUS: May I remark that is document S-84, in document book 3, page 15, I will submit the document once more in German, in which form it was printed. It is in an urgent warning form and was sent to all agencies.

H0142-0081

H0142-0082

THE PRESIDENT: Is it document No. 84?

DR. SERVATIUS: Yes.

THE WITNESS: On the question of the Central Planning Board, I should like to be allowed to say a word in regard to this manifesto. When I issued this manifesto, I encountered primarily from Dr. Goebbels the objection that a manifesto could really be issued only by the Fuehrer and not by a subordinate agency such as mine. Then I observed that there were difficulties in having the manifesto printed; after I had one hundred fifty thousand for all German economic agencies, for all war leaders, for all interested agencies printed, I again in this clear form had it printed with a corresponding accompanying letter and sent it once more to all these agencies. In this manifesto, in spite of the difficulties which I encountered, I especially advocated that in the Occupied Territories themselves, the workers should be treated according to my principles and according to my directives and orders. I ask permission of the Court to be allowed to read a few sentences from it.

"I therefore order that for all occupied territories for the treatment, feeding, billeting and paying of foreign workers, appropriate regulations and directives be issued similar to those valid for foreigners in the Reich. They are to be adjusted to the respective local conditions and applied according to their meaning. In a number of the Eastern Territories, native civilian men and women workers working for German war industry or parts of the German Wehrmacht, are undernourished. It is in the urgent interest of German war industry in this territory to remove this condition which interfere with production and is dangerous. An endeavor must therefore be made with all means available that additional food for these workers and their families is provided. Only through the good care and treatment of the whole available European labor capacity and through organizing it and through their strict organization, leadership and direction, a fluctuation of the labor powers in the Reich and in the Occupied Territories can be limited to a minimum and only then can a stable and reliable output be achieved."

May I read one more sentence: "The foreign workers in the Reich and the population in the Occupied Territories who are being used for the German war effort must be given the feeling that it is in their own interest to work loyally for Germany and that they find their only life insurance therein."

H0142-0083

THE PRESIDENT: I think we better not go further in this document. Can you indicate to us at all how long you are likely to be with this defendant?

DR. SERVATIUS: Tomorrow, I will probably need the whole day.

23-1 Daniels

THE PRESIDENT: Mr. Dodd, would it be convenient for you some time to deal with the documents of the remaining defendants?

MR. DODD: Yes, Mr. President, any time that you might set aside.

THE PRESIDENT: Well, you know how far the negotiations and agreements have gone with reference to documents.

MR. DODD: I do as to some, but not all. I can ascertain the facts tonight, or before the morning session, and advise you at that time.

THE PRESIDENT: Yes, and you will let us know tomorrow what time will be convenient?

MR. DODD: Yes, sir.

THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjourned until 29 May 1946, at 1000 hours.)